

BOARD OF MAYOR AND ALDERMEN

July 15, 2003

7:30 PM

Mayor Baines called the meeting to order.

The Clerk called the roll.

Present: Aldermen Wihby, Gatsas, Guinta, Sysyn, Osborne, Pinard, O’Neil,
Lopez, Shea, DeVries, Garrity, Smith and Forest

Absent: Alderman Thibault

Mayor Baines stated I would like to inform the Board that as you know Chief Assessor Steve Tellier underwent very serious surgery on Monday and I am happy to report that it went very, very well. I would ask members of the Board and members of the public to keep Steve and his family in your thoughts and prayers this evening.

Alderman Forest stated I would like to introduce a young man who is staying with me until August. His name is Devin Fidler and he is from Boulder, Colorado. He came to Manchester to volunteer for the Gephardt for President campaign and he came by way of Hungary.

Mayor Baines stated welcome to Manchester.

Alderman Forest stated he is studying in Hungary and he is here for the summer.

Mayor Baines stated I do have a presentation and I would like Elizabeth Haarlander to please come forward. Elizabeth is a Manchester, NH resident. She was named “New Hampshire Mother of the Year” by the American Mothers Association. I do have a proclamation and I did have the honor to be with Elizabeth in the Governor & Council Chambers a few weeks ago when she was recognized. It was a beautiful ceremony with her entire family. I would like to offer this proclamation this evening:

PROCLAMATION

Whereas, Beth Haarlander of Manchester has been named “New Hampshire Mother of the Year” by the American Mothers, Inc.; and

Whereas, in partnership with her husband, Fred, she has been a nurturing and caring presence in the lives of her five children – Fred, Helen, Katie, Jesse and Joshua; and

Whereas, she has brought similar qualities to the classroom as a fourth grade elementary school teacher and as a sixth grade CCD teacher; and

Whereas, her devotion to both her family and her community are qualities that set her apart and make her worthy of recognition as “Mother of the Year”,

I, Robert Baines, by virtue of the authority vested in me as Mayor of the City of Manchester in the State of New Hampshire, do hereby proclaim today, July 15, 2003 to be Beth Haarlander Day in the City of Manchester.

Mayor Baines stated on behalf of the Board of Aldermen and the citizens of Manchester I want to congratulate on this wonderful honor but more importantly for being a role model for all mothers and I think that is what this award is all about. You are certainly an exemplary representative for mothers across our State and our City. Congratulations.

Ms. Elizabeth Haarlander stated I just wanted to say that as a proud citizen of the City of Manchester I am very humble to accept this award as “Mother of the Year” for the State. I want to thank my husband, Fred, and my five wonderful children who I could not have done this without and it is a pleasure. I am very grateful. Thank you.

Mayor Baines stated I do want to ask Kevin Clougherty to come forward. You know we have had some very exciting projects recently in the City and perhaps the most significant project that we have undertaken perhaps in the history of the City is the renovations of the public schools – the project that is making all of us as Board members very proud indeed and at the groundbreaking ceremony at Central High School Kevin was unable to be there. I would like to offer Kevin a key to the City on behalf of the Board of Mayor and Aldermen and the citizens of Manchester for the extraordinary efforts that he and his staff put into this project. It states: In recognition of your significant contributions to the renovations of the Manchester schools given in grateful appreciation by the Mayor today, Kevin, I congratulate you for the excellent job you do each and every day for the citizens of Manchester.”
Congratulations.

Brief presentation regarding the Help America Vote Act.

City Clerk Bernier stated with the permission of the Board I would like to just sit in the chair here and give you a summary of what HAVA is all about. Everybody must be wondering what is HAVA? HAVA is the Help America Vote Act. HAVA is a piece of legislation that was initiated because of the activities in Florida during the 2000 Presidential election. It was ultimately passed by the House of Representatives as well as the Senate and signed by President Bush. There will be major changes in how we conduct an election. It is going to begin this year in 2003. The law itself is to be initiated in 2004 but we are going to start a little early because it is going to take some time and it is going to be tedious and it will require a lot of information before somebody is allowed to vote. Some of the things they are looking at and Carol has been working on this with Tricia. Tricia would have been here today but we just want to give you a little summary. They are going to be requiring

people to come in with a driver's license and photo id. For new registered voters they have to take an oath. It is not just signing a piece of paper. They have to raise their right hand. The elected ward officials have a lot of responsibility. They are going to be mandated to come to sessions. They are going to be graded and if things during election time don't work out they could be terminated. There are major changes going on and I just want the Board to understand that there are going to be some delays and some of the polling places might have to change because accessibility is a key thing in this piece of legislation. We are fortunate that Manchester is in real good shape in that area but there are going to be a lot of requirements. We have to review a lot of polling places as well as how we administer elections. The ward elected officials have done a great job so far and now there is going to be a little bit more pressure for them to perform even higher. So, what I would like to do at this time is Carol and I have been working on some bullets and we would just like to go over them with you because you will probably be getting some calls from ward officials and people who are registering to vote and people who are involved in elections. We just want you to be aware that there are some major changes going on. Carol and Tricia have taken the lead. Again, Tricia is on vacation. We are going to update the Board right after the September election. We are going to initiate these changes during the September primary and then review it and keep the Board apprised of what is going on. Again, there are going to be some time delays. We have been very fortunate in past years that we were able to get the results quickly but a lot of it is going to have to be reviewed and it is just really going to be a little tedious. I just want everyone to understand that if we all work together we can do a good job. If there are any problems, you can blame the State of Florida. I will now turn it over to Carol.

Deputy Clerk Johnson stated just for the Board's information the Federal Act that passed, which everybody refers to as HAVA, the Help America Vote Act...the impact that resulted from this was actually fiscally funded at the Federal level, which is an unusual thing for the Feds to do so that tells you how much of an impact it has. For the State of New Hampshire, the impact potential is about \$20 million. We think in reality that New Hampshire will probably see about \$15 million to implement this. I think one of the biggest impacts it is going to have immediately is on voter registration and how that process takes place, particularly in September at the voting place. Some of the funding levels that are anticipated at the State level are obviously tied into the State's current fiscal budget but there are 5% matches in some instances. We have kind of been watching what happens with the State budget before we can determine what is going to happen more locally. Tricia and I have been involved. I am sitting presently on the State's Planning Committee. The Federal mandates under the act is that the State submit a plan, which has been in process and is out there being reviewed and commented on at this time. The sub-committees we had put Tricia on were in particular dealing with accessibility issues that are part of the Federal legislation and having her involved with some of the data base issues that are going to be presented as a result of this. What the State has agreed to in this process thus far is that the localities will maintain the voter registration process so that process will not change

in that instance. If somebody wants to know who is registered in the City they are still going to be looking to the local communities for that information, however, there will be a centralized database and we will ultimately be connected to the State and that is going to have some major impact on how we process our voter registration and how timely we can get it online and those kinds of things. So there are going to be impacts here locally on that as well. To this point there was HB 577, which was signed into law I think over the last couple of days actually. It authorized the statewide centralized voter registration database, which is required as well as the communications network. A vast majority of that \$15 million or so is going to go to the maintenance and establishment of this whole database process and also some of the impacts to the localities. The cost of funds for additional equipment, for instance, we will be looking to the State to pick up those costs. So those costs will not be absorbed on the local level. They are part of the Federal funding process and those mandates or the mandates by the State will not in essence impact us locally in that fashion. It also established the election fund for HAVA so those funds will be maintained in a separate accounting format at the State level. HB 627, which is the one that will go into effect basically in September of this year so it will effect the primary election, is awaiting signature. The magnitude of that bill is about 26 pages so that gives you some indication of how much legislation we are talking about digging through and getting up and running by September 1. One of the things that is done is it has modified procedures for voter registration and absentee voting. The absentee voting is the process that we have already been following so that impact is minimal but the voter registration process is what is going to slow us down at the polling sites. No longer does somebody just merely come in and sign an affidavit. They actually have to swear...they have to raise their hand because part of this whole thing is dealing with fraud. There was security and accountability built in so every single person has to have a notarized signature and they have to raise their hand and they have to understand that they are swearing under penalties. The penalties for that have been increased to include civil penalties of up to \$5,000 for an occurrence. It does carry some bite in the legislation as well. The Attorney General's Office has been very closely tied in the process. The laws concerning domicile have been more clearly delineated with the Federal law and passed down through the State legislation and I think to some degree that is a relief to some communities. It is an annoyance to others. For us it won't have a whole lot of impact because we have always been pretty clear about how we interpret domicile and I don't think we have been too far off the mark all along. It also exempts certain materials from the Right-to-Know law which were not exempt in the past but it does require things like driver's license identification or four digits of a Social Security number in order to register to vote. That is private information. It is not allowed to be out for public viewing under the Right-to-Know law but it is part of the legislation. So, the other piece is the State will do the training, not just the City, although the State I think is going to rely on the City to do a good portion of some of that training but it will be tied into a generalized framework, which is also required by the statutes. We had to undergo or will be undergoing over the summer in the Clerk's Office the whole conversion process of our existing files. Not only are the forms changing but they are also changing in size and it is affecting where

we have to put them and how we have to file them and those sorts of things so that process also is taking some staff time. We have applied to the State and they have indicated that they will reimburse us for some of those costs because ours are rather extreme. With that I guess I will conclude my comments other than saying that we will try to keep you updated. We will try to have a minimal impact at the polling places but we do anticipate...you are going to have if nothing else some complaints. We will probably have to put additional staff out particularly during the Presidential election when we get 8,000 voters in one day. We are not going to be able to accommodate them as well.

Mayor Baines stated we are now going to move something up on the agenda. This will be the report from the Charter Commissioners. We will hear the majority report first and then the minority report. Commissioner Shaw will you please come forward and give a summary of the Charter.

Commissioner Shaw stated I am the Commissioner from Ward 1. I live at 172 Arah Street. The Charter we present to you tonight we would like you to send to the voters. The State law, in fact, requires that you do it. Mr. Mayor, first I would like to read to you the preamble of the City Charter. I know I served here four years and I don't think I have ever read it before. So tonight would be a good time for me to read it and for you to hear what it is that has been proposed. This is the third time for the same preamble:

We, the people of the City of Manchester, State of New Hampshire, in order to maintain our right of local self government and to secure the benefits and advantages granted by the State Constitution do adopt and establish this home rule Charter. This Charter expresses the desire that we, the citizens, have to govern ourselves in the most effective, efficient and beneficial manner. We resolve for ourselves and for our children that there be a representative government, which promotes the general welfare and stimulates harmony and creativity among all of its citizens. Through the elective process we secure for ourselves and future generations a municipal government which strives to achieve compassion, freedom and justice.

Commissioner Shaw stated this is the second Charter Commission that I have served on and the first one that I am actually in the majority. The last time the vote was 8-1 opposed to the very concepts that are in this Charter right here. We have come forward, Mr. Mayor, with a Charter that tries to improve the government and tries to do some of the things that you personally had wanted when you came into office a little over three and a half years ago and found that certain things were going to be denied to you by the Charter that had been passed by the citizens, the prior Charter. So we have made improvements to the Charter gentlemen and ladies. It is not perfect. I will give you two examples of why things might not be perfect when something is produced. The Declaration of Independence in a letter that John Adams sent to his wife Abigail the day after it was passed on July 2 had spoken about the fact that it took six months for people to understand the document. This was printed just the other day, the letter itself, in the *Union Leader* I think on July 4 and it is kind of interesting that it took six months because between now and the time that the citizens themselves, the ones that we

turn to, to allow us to govern, this six month time period just like in Adams' time, the contrariness of this, the things that you might not like maybe they will mellow in your mind and you will come forward and change your mind if you have it set already that this is not the perfect document. The Constitution of the United States definitely was not a perfect document when it was first proposed and passed by the citizens of the United States. There were amendments passed to that immediately to make things better in the eyes of the people who had passed on the power to government. So I say to you, Mayor, that even though this is not perfect in your eyes that there are many things that could be amended later to your satisfaction. There is not an Alderman on this Board who will lose their position because of this Charter if the next Board of Aldermen so wished to ask the citizens of Manchester a better way to govern themselves and the number of Aldermen that should be put forward. Sir, you know that I have never favored 14 Aldermen. At this minute I don't favor 14 Aldermen. That doesn't mean at all, Sir, that I don't favor more than 14 Aldermen. It is possible that this Board could do something different than the 12 that we have and I mention that because Mayor Wieczorek came before us and his contention, which I buy into, was that we don't need two mini Mayors so we eliminated the two mini Mayors and we did that because we favor a one person-one vote concept versus somebody running Citywide. To that, I say to you that there are changes that you will be able to make, Sir, if you wish. There are things in here though that if you don't come along with us and say that this Charter is best for the citizens of Manchester...this Charter is not best for Mayor Baines. This Charter is not best for many of the Aldermen that serve on this particular Board. This thing is definitely not best for Aldermen Lopez and O'Neil. It is not the best for them.

Mayor Baines asked could we get to the Charter and actually go through the...

Commissioner Shaw interjected is that what you intended Sir because you all received that and I did not intent to do that.

Mayor Baines stated I thought that is what you were going to do.

Commissioner Shaw responded no I had not intended to do that. I intended, Sir, to do a sales pitch of why you should carefully read it and digest it and why it might not be best for any particular one person on the Board but I think the Alderman from Ward 3 had said it best that when we had proposed partisan elections he said that is not good for me but that doesn't mean that I won't be in favor of the Charter. I ask each of you to look within yourselves and to convince the citizens of this City that this Charter is best for you. Mayor, there was one part of this that I thought was important and it was budget reconsideration, which is not in the current Charter. That is even though we have asked you to approve a Charter and to have the budget date in April, we have allowed the Board of Mayor and Aldermen to open the budget immediately if they wished. They have the time. They have 90 days to reclose it because in your conversation last night you had mentioned that somehow the State of New Hampshire might be giving more money to the schools for transportation costs and you had

already bottom-lined the school department budget. In this new Charter we have given the Board of Mayor and Aldermen the ability to reopen the budget with just a simple majority of the Board, to reopen it and maybe to reallocate or to make modifications. So we have done an awful lot of good, Sir, and anything that is not good in your eyes you can fix at a future time.

Mayor Baines called Commissioner Brad Cook forward to give the minority report.

Commissioner Cook stated I was on the Charter Commission six years ago and I just completed service with the Commissioners Donna Soucy and Patrick Duffy. Four of out the nine of us have filed a minority report, which you have received. Let me make one thing clear. What you are sending to the voters is an entire Charter. You can't change it. So whatever Commissioner Shaw just said, if he meant to suggest that you can change something I think what he meant was somebody in the future might propose an amendment and the voters might vote for it but what you have received as a package is what you have to submit under State law to the voters. Six years ago we had a Charter Commission that followed up on an effort in the community to study government. We had a Charter Commission that had a research assistant full-time. We had a Charter Commission that studied forms of government throughout the country. We had a Charter Commission that did a systemic study of government. We produced a Charter which passed overwhelmingly and which has served the City well. If there were any need for a Charter Commission at this time, it certainly wasn't demonstrated by the vote to have this Charter Commission because in the vote on whether the voters wanted to have a Charter Commission only 3.8% of the City voters voted in favor of having one but that was more than those who voted against it so we had one. The process that we engaged in this time I regret to inform you was not systemic, was not study, but was chaos. Those of you who viewed the process on television can attest to that fact. We did not take up provisions in any orderly way. We did not study. We did not get information. We did not have sub-committees. We just had meetings of the whole. That being said I think we need to recognize the very, very good work of the City Clerk's Office, which was the staff of the Commission this time without additional help, especially Carol Johnson and Steve Vaillancourt who did a very good job for us. They deserve our thanks but the product that we have come up with is flawed and we believe it is flawed sufficiently so that some minor changes that probably would have been effective and helpful had they stood alone as amendments to the Charter are outweighed by what we did wrong. So, we have written this report and I would like to highlight what we think the main defects are. Thematically, the biggest problem with this Charter is its anti-citizen participation. The first thing that happened is this Charter takes the vote from every one of us as citizens for six City-wide office holders (the Mayor, two Aldermen At-large, two School Board members At-large and the Welfare Commissioner) and reduces it to one. Our voice has, therefore, been eliminated as to five people we can vote for collectively. The system we came up with the last time to add an experiment with Aldermen At-Large and School Board Members At-Large has worked but it has only had a limited time to be experienced. The second thing that we did wrong was to eliminate the non-partisan form of

elections. There have been more discussions and misinformation about what is in the Charter on that subject than probably anything else. Elections are political. Political parties participate in elections. That is normal. That is a constitutional right. That is natural and that is proper. What we had in the existing Charter as in every other community in the State of New Hampshire is a non-partisan form of election. That doesn't mean they are going to be non-partisan elections. I daresay the political parties are revving up to be involved in this one and it doesn't mean they are non-political. Elections by their nature are political but a non-partisan form of election gives you a situation in which all independents, all Republicans and all Democrats and all Libertarians and anybody else can participate in exactly the same process at all of its stages together like in every other community. What that allows you to do is have a primary election in which an independent can run along with a Republican and a Democrat for the Mayor and the top two candidates get nominated for the general election. One of those candidates spoke to you a moment ago. An Independent named Bob Shaw who can participate in this election along the same basis as everyone else but more important than that, every voter in the City of Manchester can participate in every stage of elections in selecting his or her leaders because they can vote in the primaries and in the general elections. They can run for offices as small as Ward Selectmen and as large as Mayor and they can do it equally and Federal employees can do it as well. That is a very important distinction and all of this talk about Manchester is a partisan City so you shouldn't have non-partisan elections...it is a non-partisan form of election and we believe that taking that away takes the voice from many of our citizens and you need only look at the participation in primary elections under this Charter compared with prior Charters to see the truth of that argument. The third mistake we made was changing the fallback budget. As many of you know, the State law changed in the early 1990's so that when the last Charter Commission met we were informed that there was a requirement in the State statute that there be a fallback budget if the Board of Mayor and Aldermen fail to come up with a budget. There was State legislation this year that changed that law so the fallback budget did not have to be the Mayor's budget. That change has become law and, therefore, an alternate fallback budget could be selected. We had the opportunity to select a fallback budget of any type we wanted but we made a mistake because we became the only community in the State if this were to pass that has a fallback budget of the prior year's budget without alteration. We heard constantly that this would put us in the same circumstances as towns are in and that is not true because the State statute, which was described very ably to us by the City Clerk's Office says that the fallback budget in the town is the prior year's budget with certain changes for legally mandated expenditures. That is a safety valve. The thing that we have come up with could create a train wreck of the worst order. Now I happen to believe that the Mayor's budget as a fallback budget is better but even if it were not what we picked is surely worse. Another mistake we made that was mean, petty and dumb was to freeze the salaries of elected officials in the Charter. Nobody else does this anyplace. To put your salaries in at a frozen amount and to put School Board salaries in at a frozen amount and to put the Mayor's salary in at a frozen amount compared with the present budget that says it will not be less than a certain amount but can be altered by the Board of Mayor and Aldermen who

are going out as to the next term allowed some flexibility. We had some very creative solutions proposed to us that would take it out of politics but we didn't pick any of them and instead in an extraordinarily short sighted provision we not only put the salaries in but we prohibited you folks from considering whether or not to provide benefits to yourselves and School Board members and then in the ultimate folly we took the full-time employee and made him the only full-time employee of the City, the Mayor, who can't qualify for retirement. That is just plain wrong. Finally, by eliminating most of the departmental commissions we decreased citizen participation into the executive functions of government. We made in the last Charter Commission a Commission's Advisory. Especially since September 11, 2001 to take a commission away from the Fire Department and the Police Department when citizen participation in how we deliver safety services and in a community as diverse as Manchester's where communication between the various citizen groups and our Police and Fire Departments is just plain wrong. Regrettably we have come up with a document that was preordained. There were members who came to this Commission and voted in the first or second meeting to eliminate certain things because they said they got elected to do certain things and maybe they did but it was a process that was not deliberative. It was a process that came up with a flawed document. For those who say and in the cover letter you got it says that there were certain things that were illegal that had to be fixed and I have to tell you that this Charter and the prior Charter were reviewed by the Secretary of State of the State of New Hampshire, the Attorney General and independent council and found to be legal. We believe, the four in the minority, that a document passed 5-4 is not a consensus document to begin with, that this is the result of a flawed process, that this does not deserve the vote of the citizens and that when you send it along, which you are required to do and we respect that, that the citizens and all of us should vote it down. Thank you.

CONSENT AGENDA

Mayor Baines advised if you desire to remove any of the following items from the Consent Agenda, please so indicate. If none of the items are to be removed, one motion only will be taken at the conclusion of the presentation.

Minutes Accepted

- A. Minutes of meetings held on February 18, 2003 (two meetings); February 19, 2003; March 5, 2003 (two meetings); March 12, 2003; March 18, 2003 (two meetings); March 24, 2003; and March 27, 2003.

Ratify and Confirm Poll Conducted

- B. Unanimously approving encumbering \$700 from Contingency for the annual band concert at Lake Massabesic.
- D. Unanimously approving the acceptance of state grant funds in the amount of \$12,254.00 for the purpose of planning activities for emergency management functions in the Fire Department, previously forwarded under separate cover.

- F. Unanimously approving a Committee on Community Improvement report to extend various CIP projects until December 31, 2003.

Approve Under Supervision of the Department of Highways

- G. Verizon Pole Petition #1AAAA7 located on Candia Road.

**Approve Under Supervision of the Department of Highways -
Subject to the Availability of Funding**

- H. Sidewalk Improvement Petitions 50/50 Program.

Informational – to be Received and Filed

- I. Minutes of the MTA Commission meeting held on May 27, 2003 and the financial and ridership reports for the month of May.
- J. Minutes from the June 5, 2003 Piscataquog River Local Advisory Committee meeting.
- K. Communication from Comcast regarding their new “ON DEMAND” service which will be launched in December.
- L. Communication from Comcast advising the Board that Channel 96 will be moving to Channel 23 on July 21, 2003.
- M. Communication from Comcast regarding the 2003 Subscriber Privacy Notices.
- N. Communication from the Elderly Services Commission stating their position on the consolidation of Elderly Services within the Health Department.
- R. Copy of communications from NH Department of Transportation, advising of contemplated awards.

Accept Funds and Remand for the Purposes Intended

- S. Communication from Deputy Finance Officer advising of the receipt of \$100.00 from the Queen City Memorial Post V.F.W. 8214 Ladies Auxiliary for purchasing supplies and equipment for the Drug Abuse Resistance Education (DARE98) Project.

REFERRALS TO COMMITTEES

COMMITTEE ON FINANCE COMMITTEE

- U. Resolutions:

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Six Million Dollars (\$6,000,000) for FY2003 CIP 612803 Section 108 Economic Development Initiatives.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Seven Thousand Eight Hundred Twenty Six Dollars (\$37,826.00) for 2003 211103 STD Clinic.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500.00) for 2003 CIP 210603 Immunization Services.”

“Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Seventy Eight Thousand Four Hundred Fourteen Dollars (\$478,414) for 2002 CIP 210902 Substance Abuse Prevention and Treatment.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Four Thousand Dollars (\$24,000) for the 2003 CIP 216003 Oral Health Services.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Six Thousand Six Hundred Sixty Four Dollars (\$56,664) for 2003 CIP 411503 Domestic Preparedness Equipment Funds.”

“Amending the FY1999, FY2002 and FY2003 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Six Hundred Thousand Dollars (\$600,000) for FY2003 CIP 612703 Piscataquog River Apartments Project.”

“Authorizing the Finance Officer to effect a transfer of Seventy Eight Thousand Three Hundred Ninety Seven Dollars and Twenty Seven Cents (\$78,397.27) for the 1998 CIP 760326, Test Seal & Repair Green Acres Sewers Project.”

“Amending the FY1994 and 1998 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Eight Thousand Three Hundred Ninety Seven Dollars and Twenty Seven Cents (\$78,397.27) for FY2003 CIP 760326 Test, Seal and Repair Green Acre Sewers Project.

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Three Thousand Four Hundred Eighty Three Dollars (\$73,483) for FY2004 CIP 713004 Crystal Lake Water Quality Improvement Project.”

“Amending the FY2004 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Three Hundred Sixty One Thousand Eighty Three Dollars (\$361,083) for FY2004 CIP 214604 State of New Hampshire Health Grants.”

“Amending the 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Twelve Thousand Two Hundred Fifty Four Dollars (\$12,254) for the 2004 CIP 411504 Fire Emergency Management Plan Project.

“Rescinding authorization on unissued Bonds, Notes or Lease Purchases for various Parks, Recreation & Cemetery projects which are no longer required.”

“A Resolution amending the FY2003 Community Improvement Program and deleting various Parks, Recreation & Cemetery Projects which are no longer required.”

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Forty Nine Thousand Ninety Six Dollars and One Cent (\$249,096.01) for FY2004 CIP 411604 Homeland Securities Program.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Five Million Dollars (\$105,000,000) for FY2003 CIP 310303 Schools Improvement Program.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Seven Million Five Hundred Thousand Dollars (\$27,500,000) for FY2003 CIP 511803 Stadium Construction & Gill Stadium Reconstruction Project.”

“Amending the FY 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Six Thousand Five Hundred Twenty Seven Dollars (\$6,527) for FY2004 CIP 411704 Domestic Preparedness Equipment Support Program.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Nine thousand Two Hundred Seventy Five Dollars (\$79,275) for FY2003 CIP 713703 City Motorized Equipment Replacement Project.”

REPORTS OF COMMITTEES

COMMITTEE ON BILLS ON SECOND READING

V. Recommending that a proposed ordinance:

“Amending the Zoning Ordinance of the City of Manchester by amending the language to allow Multi-family and other residential dwellings in the Redevelopment (RDV) District.”

be referred to a public hearing to be held on Monday, August 4, 2003 at 5:30 PM in the Aldermanic Chambers.

The Committee notes that this Ordinance is a substitution for petition that was originally submitted by David Giovagnoli. The subject area of the petition was reviewed by the Planning Department and felt to be spot zoning, however Planning recommended that the usage requested in the zone could appropriately be changed to accommodate all in the district.

COMMITTEE ON COMMUNITY IMPROVEMENT

X. Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$37,826 (State) for FY03 CIP 211103 STD Clinic, and for such purpose a resolution and budget authorization has been submitted.

Y. Recommending that the Board authorize acceptance and transfer of funds totaling \$361,083 (\$30,000 from FY04 CIP 210204 HIV Counseling & Testing, \$50,000 from FY04 CIP 210304 HIV Prevention, and \$70,000 from FY04 CIP 210504 Immunization Services, \$45,000 from FY04 CIP 210604 Lead Poisoning Prevention, \$40,000 from FY04 CIP 211104 STD Clinical Services, and \$95,000 from FY04 CIP 211304 Tuberculosis Control, new \$31,083) to FY04 CIP 214604 State of New Hampshire Health Grants, and for such purpose a resolution and budget authorizations have been submitted.

- AA.** Recommending that the Board authorize transfer of funds in the amount of \$78,397.27 from FY94 7.40200 Chronic Sewer & Drain Project to FY98 CIP 760326 Test Seal & Repair Green Acres Sewers Project, and for such purpose a resolution and budget authorizations have been submitted.
- AB.** Recommending that the Board authorize acceptance and transfer of HOME funds in the amount of \$600,000 (\$120,000 from FY99 CIP 61099 HOME Project, \$268,300 from FY02 CIP 611702 HOME Affordable Housing Initiative, and \$211,700 from FY03 CIP 611603 Affordable Housing Initiatives) to FY03 CIP 612703 Piscataquog River Apartments, and for such purpose a resolution and budget authorizations have been submitted.
- AC.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$56,664 (Federal) for FY03 CIP 411503 Domestic Preparedness Equipment Fund, and for such purpose a resolution and budget authorization has been submitted.
- AD.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$24,000 (State) for FY03 CIP 216003 Oral Health Services, and for such purpose a resolution and budget authorization has been submitted.
- AE.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$478,414 (Federal) for FY02 CIP 210902 Substance Abuse Prevention and Treatment, and for such purpose a resolution and budget authorization has been submitted.
- AF.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$17,500 (State) for the FY03 CIP 210603 Immunization Services, and for such purpose a resolution and budget authorization has been submitted.
- AG.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$6,000,000 (HUD Section 108) for the FY03 CIP 612803, Section 108 Economic Development Initiatives, and for such purpose a resolution and budget authorization has been submitted.
- AH.** Recommending that a petition to discontinue a portion of Sargent Road be referred to a Road Hearing on Monday, August 4 at 6:15 PM in the Aldermanic Chambers.
- AI.** Recommending that a petition to discontinue a portion of Millstone Avenue be referred to a Road Hearing on Monday, August 4 at 6:15 PM in the Aldermanic Chambers to consider releasing and discharging the subject area pursuant to RSA 231:52.
- AJ.** Advising that it has approved a request from the Highway Department to complete various projects listed as part of the City's Chronic Drain program.
- AL.** Recommending that a sewer abatement for property located at 318 Lake Avenue be approved in the amount of \$420.00 as recommended by the Environmental Protection Division of the Highway Department.

- AM.** Advising that it has reviewed the Comprehensive Economic Development Strategy (CEDS) and recommending that same be approved and adopted by the Board of Mayor and Aldermen.
- AN.** Recommending that the goal posts purchased last year by the Manchester South Sabres be stored by Parks & Recreation until a new location for them is determined.
- AO.** Advising it has approved a one-year contract extension with Intown Manchester through period ending June 30, 2004.

COMMITTEE ON HUMAN RESOURCES

- AP.** Advising that it has reviewed and approved an ordinance amendment:
“Amending Sections 33.061 (Temporary Assignments) of the Code of Ordinances of the City of Manchester.”
and recommends same be referred to the Committee on Bills on Second Reading for technical review.
- AQ.** Recommending that the position of Administrative Services Manager II be eliminated; that the position of Administrative Services Manager I, be eliminated and that a position of Administrative Services Manager be established at a Grade 16; and further that the position of Administrative Services Manager II in the Finance Department be reclassified to Administrative Services Manager and for such purpose Ordinance amendment:
“Amending Section 33.026 (Administrative Services Manager) of the Code of Ordinances of the City of Manchester.”
is submitted for referral to the Committee on Bills on Second Reading for technical review.
- AS.** Recommending that a request from the Water Works Director to reclassify a Maintenance Mechanic position to a Water Meter Technician be approved.

COMMITTEE ON LANDS & BUILDINGS

- AT.** Recommending that the Board of Mayor and Aldermen approve and authorize execution of a Revocable License Agreement, as enclosed herein, between the City of Manchester and Leo Bernier subject to review and approval of the City Solicitor.
- AU.** Recommending that a request from James Bennett to purchase property on Pond Drive (Map 779, Lot 14) be denied. The Committee notes that such property was purchased by the City for the purpose of constructing a sewer pumping station on the site and therefore, is not surplus to City needs.
- AW.** Recommending that the Board of Mayor and Aldermen find property located at Tax Map 59, Lot 4 and known as 332 Pearl Street surplus to city needs and that said property be disposed of through sale to DASS Development, subject to conditions. The Committee notes that it finds cause to dispose of the property in such matter in that the subject property is presently leased to DASS Development under a 40-year term with restrictions to be continued by the sale.

The Committee recommends that such disposition be subject to restrictions that the property shall continue to provide for low income elderly housing meeting the standards of the Department of Housing and Urban Development Section 202 housing for elderly persons or an equivalent; and further subject to receipt by the City of \$135,000, an amount deemed agreeable by the Board of Assessors based on a leased fee interest.

The Committee further recommends that the City Solicitor be authorized to prepare such documents as may be required to carry out such disposition and that the Mayor be authorized to execute such instruments as may be required subject to the review and approval of the City Solicitor, and that the proceeds from such sale be included in the FY2004 revenue budget for the City of Manchester, during which period such closing of sale shall be concluded.

- AX.** Recommending that in accordance with RSA 80:80 the Mayor be authorized to dispose of certain property situated at Granite Street, known as Map 0671, Lot 0002 by executing deeds releasing all rights, title interest, or claims in said property. Said property formerly owned by J. Daniel Fletcher was acquired by the City of Manchester by virtue of Tax Collector's deed dated October 5, 2001 and recorded in Hillsborough County Registry of Deeds on October 11, 2001, Volume 6502, Page 2525.

The Committee recommends that said property be disposed of through public auction with a minimum bid to be set at \$45,000.

The Committee advises that it has found such property to be surplus to City needs; and that the Board of Assessors has provided an opinion of value in the range of \$45,000 to \$50,000.

The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deeded accounts as deemed necessary.

- AY.** Recommending that in accordance with RSA 80:80 the Mayor be authorized to dispose of certain property situated off Page Street known as Map 0477, Lot 0004 by executing deeds releasing all rights, title interest, or claims in said property. Said property formerly owned by Daniel J. and Mary E. Molloy was acquired by the City of Manchester by virtue of Tax Collector's deed dated January 26, 1998 and recorded in Hillsborough County Registry of Deeds on February 6, 1998, Volume 5900, Page 0252.

The Committee recommends that said property be disposed of through public auction with a minimum bid to be set at \$3,000.

The Committee advises that it has found such property to be surplus to City needs; and that the Board of Assessors has provided an opinion of value in the range of \$3,000 to \$3,500.

The Committee further recommends that the Tax Collector and City Solicitor be authorized to proceed with disposition and prepare such documents as may be required, and that the Finance Officer be authorized to credit tax deeded accounts as deemed necessary.

COMMITTEE ON TRAFFIC/PUBLIC SAFETY

- AZ.** Recommending that regulations governing standing, stopping, parking and operations of vehicles be adopted and put into effect when duly advertised and posted.

HAVING READ THE CONSENT AGENDA, ON MOTION OF ALDERMAN O'NEIL, DULY SECONDED BY ALDERMAN LOPEZ, IT WAS VOTED THAT THE CONSENT AGENDA BE APPROVED.

- C. Ratify and confirm poll unanimously approving a Committee on Traffic/Public Safety report recommending the extension of the current parking garage contract with Central Parking from June 6, 2003 through September 6, 2003.

Alderman Gatsas stated I am looking at this extension of the contract and I understand that there has been another RFP sent out, however, that RFP from my understanding is not an RFP that was part of the motion that I sent out requesting that we find a management contract for the parking garages that would not encumber or put the City at any kind of risk. In other words, we would get a flat number to manage the garages and that would be the number and any losses would be incurred by the management company. I guess my question is can we amend the RFP that is going out?

Solicitor Clark responded I am not aware of an RFP being issued yet. I believe Tom Lolicata is here.

Alderman O'Neil stated we had asked a committee of five department heads to meet. I believe they are working on it. They got hung up during the budget process and everything else we were doing as is normal in the springtime. I believe Atty. Clark, Mr. Lolicata, Mr. Thomas, Mr. Dillon and Mr. Clougherty are members of that Committee and I believe they are meeting.

Solicitor Clark responded we have been meeting but I don't believe anything has been issued at this point to my knowledge.

Mayor Baines asked what is the status of the RFP related to the garage and parking operation.

Mr. Lolicata answered we got together with Alderman O'Neil over two months ago. That was our last meeting. I am under the impression that I haven't been directed to go out for any RFP's. We already did that once. The Traffic Department has already done that. We were looking into having meetings with the Aldermen and they asked Mr. Dillon to join us as far as going out for different types of RFP's. Nothing has been done since we met two months ago.

Alderman O'Neil stated I believe we asked those five gentlemen to come up with an RFP that would address the concerns that this Board brought up including Alderman Gatsas'. I just don't believe they are at that point. They are continuing to work on it as best they can.

Mr. Lolicata stated if there is a different way of doing this or a different...I would like some input.

Alderman O'Neil stated it was a clear directive from this Board that those five department heads meet, come up with something and bring it back to the Board and then go out for the RFP.

Mayor Baines replied that is correct.

Alderman O'Neil stated it takes time to do that.

Alderman Garrity stated at the last Traffic meeting I believe the motion was that we had asked the five people to report back to Traffic for an RFP.

Mr. Lolicata answered that is right.

Alderman Garrity asked has anything happened since then.

Mr. Lolicata answered we haven't met since then but there has also been talk about different ways of going out for an RFP. We had some input from Mr. Dillon and he has done it in different ways. The five of us got together so there are probably one or two other ways of going out for an RFP so we have to get together and come up with some kind of solution.

Alderman Gatsas stated a close approximation what is your assumption of what we are losing on a monthly basis on parking management.

Mr. Lolicata asked in losses from parking management.

Alderman Gatsas replied yes in regards to cost to the City.

Mr. Lolicata responded I would say we are losing a couple of thousand. They have improved since this talk begun.

Alderman Gatsas stated your Honor I would think that in the crisis that we are in financially and in looking to do cost containment I would think that we would have an RFP prepared that says that the City...there is no reason why the City should be at risk for any money on any parking garage situation. Come in with a bid and give us that bid and that is what the bid should be. It shouldn't be an ongoing loss to the City.

Mr. Lolicata replied I agree with you, Alderman.

Mayor Baines asked how long would it take, Tom, in your estimation to get this RFP written and back to the Board.

Solicitor Clark answered we were asked I believe from the communication that I received to come back with a status report to the Traffic Committee meeting in August. The department heads have been busy. It is hard to get Kevin Dillon and myself and Kevin Clougherty and Frank Thomas in a room to sit down.

Mayor Baines asked so you will have something by the August meeting of the Traffic Committee.

Solicitor Clark answered yes we will report back to the Committee.

Alderman Forest moved to ratify and confirm the poll. Alderman O'Neil duly seconded the motion.

Alderman Gatsas asked we are going to have a status on August 15 or a completed process by August 15.

Solicitor Clark asked do you mean a completed RFP with everything in it.

Alderman Guinta answered yes.

Solicitor Clark replied I don't think it will be complete. We will come back with a status and recommendation on when to issue it and then the Board will have a chance to add to it or if they don't like the way it is written to amend it prior to it going out.

Alderman Guinta asked where do you think we are going to be as of August 15. What you said is we are going to receive a status at that meeting.

Solicitor Clark answered I think it will be in very good form. It will probably just need a little bit of tweaking after the report of the committee.

Alderman Gatsas stated this discussion started in December at a meeting that we had over at the credit union museum. That is where the discussion started and I think back then the cost to the City was \$4,000 or \$5,000. It is now July and it will soon be August. If we use \$3,000 a month for those eight months that is \$24,000. I would think that instead of continuing to extend this contract we would have an RFP to say we need to find something that is going to stop the bleeding. There is no reason why this should continue. It doesn't make sense and we just keep putting it off. I don't understand.

Alderman O'Neil stated if I recall back in December my original motion was to give them a year because I knew exactly what was going to happen. Very shortly in the early spring we get into the budget process and that starts taking everyone's time to prepare the municipal budget. At the same time we had negotiations going on regarding the school project as well as the Riverfront development project. That is where the staff was spending an awful lot of their time – at least three members of this five-member committee were concentrating on those special projects. So, I think it is great that they are meeting. I think we have to give them the appropriate time if we are going to put an RFP out that is proper and addresses the issues of not only Alderman Gatsas and Alderman Guinta and Alderman Forest but the issues that everyone has brought up. We have to give them the proper time. Now if we tell them to drop everything else they are doing, that is fine but I don't think that is what we directed them to do. I don't think it was given the highest priority of this Board.

Mayor Baines stated let's get that report by August 15. Let's move this forward and get this in place this evening.

Mayor Baines called for a vote. There being none opposed, the motion carried.

- E. Ratify and confirm poll approving a Committee on Lands and Buildings report to send letters to the property owners stating that the City has an interest in the property at 310 Second Street (Bass Island).

Alderman Forest stated this has to do with sending a letter about the City being interested in purchasing Bass Island. As you are aware, I seem to be the only one who opposed this. A year ago I believe it came up before this Board about the purchase of Bass Island and I believe we voted that we weren't interested in Bass Island. We sent a letter to Jane Beaulieu explaining to her that we weren't interested so I can't see why we are bringing this back up again when we are trying to sell property. Now we are going to send a letter stating that we are interested in Bass Island when we have priorities with both Crystal Lake and the Hackett Hill Road area. I just want to be recorded as opposed to this and that is why I am opposed to it.

Mayor Baines asked Mr. MacKenzie isn't that land now under agreement for purchase by an individual and it is moving through the Planning process. Right now it is not even a parcel of land that we would have any option of buying correct?

Mr. Robert MacKenzie answered that is correct.

Mayor Baines asked how long...what is the process of that project going forward.

Mr. MacKenzie answered it is likely that it will be going to the Planning Board for their August public hearing, which would be the second Thursday. The Planning Board normally takes an action within two weeks after that.

Mayor Baines stated so a private individual has a purchase and sales agreement on that property right now.

Mr. MacKenzie answered yes.

Alderman Wihby stated as you know this poll came in the mail saying report back to the Clerk's Office before such and such a time otherwise you would be recorded in favor. I just didn't call in. I was going to pull this off myself and vote against it.

Alderman Forest moved that we not send the letter. Alderman Gatsas duly seconded the motion.

Deputy Clerk Johnson stated the letter has been sent. This is a ratification of a poll that already occurred. The Board already approved this by poll.

Mayor Baines stated but is not official until the Board acts this evening. Am I correct? Mr. Clark could you please explain.

Solicitor Clark replied the letter was sent after the Board voted via a poll and a response has come back in.

Mayor Baines asked what was the response.

Solicitor Clark answered the response was that they would be happy to talk to the City if their present deal falls through sometime in the future. The letter basically says that we knew there was a purchase and sales agreement on the property and that if that didn't work the City may be willing to talk to them in the future.

Mayor Baines asked procedurally wouldn't the motion be for the report.

Deputy Clerk Johnson answered it is not a report. It was...well it was a report but what you are doing is ratifying and confirming a poll that was taken so if somebody at this point wanted to show that they were not recorded correctly or something like that this is their opportunity to do that. I think Alderman Wihby has indicated that he wants to be recorded as opposed.

Mayor Baines asked so what are we doing.

Deputy Clerk Johnson answered the motion would be to ratify and confirm the poll.

Solicitor Clark stated the motion is to ratify and confirm the poll.

Alderman Forest moved to ratify and confirm the poll.

Alderman Wihby stated we sent a letter 13-1 and there are probably going to be some people changing their minds today but basically what is the message sent to the Planning Board. That the Aldermen don't want it rezoned or sold and keep it for the City? That is the type of message that we are sending.

Mayor Baines responded it is not a rezoning issue is it.

Solicitor Clark stated I think the letter was very carefully drafted so that the City was not getting involved in the private deal. There is a private agreement out there now. We cannot interfere with it by law. The letter is very carefully worded to state that in the event that there is no deal or it falls through in the future for whatever reason, the City is interested in talking but nothing more.

Mayor Baines stated that was my concern initially that we were interfering in a private deal.

Alderman Smith stated that happens to be in my ward and there are a few problems that the Planning Board has to address and I don't know if the Planning Board is going to go along with this. There are some serious issues with flooding and so forth and I just wanted to make the situation known.

Mayor Baines asked what would be the motion again.

Deputy Clerk Johnson answered to ratify and confirm the poll taken.

Alderman Garrity duly seconded the motion.

Mayor Baines called for a vote. The motion carried with Aldermen Shea, Wihby, Gatsas, and DeVries duly recorded in opposition.

O. Communication from William J. Jabjiniak providing a summary on the Riverfront Development project.

Alderman Shea stated I would like Mr. Jabjiniak to come up for a minute. This has to do strictly with the retail part of the Riverfront project. Could you elaborate about the retail aspect of the project?

Mr. William Jabjiniak stated the leasing agent, Urban Retail Properties, has actually been in here recently since this was written. They are finalizing a layout in conjunction with the ownership group. It is projected to be between 210,000 and 260,000 square feet. They are

trying to get basic information so they can continue to market the City in total in that area. They have received some very good response at this time. They are out there trying to finalize a layout and marketing the City and pushing forward.

Alderman Shea asked is this going to be upscale types of shops or are these going to be shops that are going to be catering to people who live in and around the downtown area that might go there or people who are going to be living in the condos. How are they doing this?

Mr. Jabjiniak answered I think you are going to see a little bit of both. You are going to see some different types of retail that we haven't seen in the east. You are going to see some things coming out of the midwest I believe. You are going to see some local merchants also involved. They are trying to get that mix identified as to exactly what they want at this time.

Alderman Shea asked is the restaurant going to be in that particular venue where the retail is going to be. Is that part of it and the other point is when will this all begin to come to fruition?

Mr. Jabjiniak answered you are going to see several restaurants. It is not just one. I think you will see a variety of things from family sit down to a little bit of an upscale to sub and pizza shops and whatever else we can mix into it. I also think you are going to see the timeframe...we really wanted them in front of the Planning Board in August but that is not going to happen. They did not submit plans. They have been focusing on Gill Stadium and getting that started. That process has to go forward with permitting and I think you will see the architect catch up and actually start...well the hope is now September for the Planning Board.

Alderman Gatsas asked can you talk to us about the combined sewer overflow project and the Federal funds and what is at risk there in regards to the ownership.

Mr. Jabjiniak answered I am going to be limited with what I can get into. I am going to defer to the Highway staff. Kevin Sheppard is here. We are trying to coordinate with Frank Thomas and his staff to accommodate the CSO facility. Of what type we are not quite sure. Their engineers are still evaluating different types of facilities and what locations we are going to be considering now that it is really off of that Riverfront, that 26 acre parcel where else can we put it and where else can it go. They still have to pick up the flow that is funneled down towards the sewer treatment plant.

Alderman Gatsas asked, Mr. Sheppard, can you get into something about...obviously if memory serves me correct it is a \$90 million project that we were talking about with that sewer overflow project.

Mr. Kevin Sheppard answered the total CSO project for the City is probably \$90 to \$100 million. For the East side you are probably talking another \$40 million. That one area that we are looking at we have been working with the developer and the engineer. At one time we were looking at putting a structure down in that area. That may not be feasible at this time but we are working with them on locations for future piping. Perhaps the piping has to go in now as part of this project but we have been working with the engineer and once they have plans that are more finalized and we have a better idea with our consultant, CDM, I think we will probably be on the same page.

Mayor Baines asked how many years away is that project estimated to be?

Mr. Sheppard answered on the East side it is about five years. As everyone knows, we are currently doing the West side.

Alderman Gatsas asked wasn't it understood that with those Federal funds there was going to be a facility located there. Wasn't that part of the agreement that the Highway Department made 15 years ago when they started this project?

Mr. Sheppard answered the agreement was about five years ago and the agreement for the West Side was for separation and on the East Side there was a study that was part of the agreement that we would take a look at the complete East Side and what needs to get done to solve the CSO problems on the East Side. I don't think it was definite that we would place a structure in that area. It was that we would do a study and look at the results of that study. We were in the middle of that study when this project came forward so we have been pushing that study forward a lot quicker than we anticipated. Like I said I believe we will be able to work with that development down there as long as their engineers understand that there are certain things that we are going to need down there also.

Alderman Gatsas asked when do you think that you may get approval from the Feds or movement of what you had already told them.

Mayor Baines replied I think you said that there wasn't a commitment to a specific...is that what you said or did I hear you wrong.

Mr. Sheppard responded right.

Mayor Baines stated there isn't a commitment to a specific location.

Mr. Sheppard responded the commitment was to perform a study of that area. The commitment was not to construct a certain structure or address the CSO's in that area in a certain way. The study was supposed to come up with recommendations as to how to

address the CSO not that specific structure. At one time we were looking at a storage structure down there I believe.

Alderman Garrity asked, Kevin, the CSO facility is probably not going to go in that location, correct?

Mr. Sheppard answered we are looking at other properties in that area.

Alderman Garrity asked where are you looking. Don't tell me south of Queen City Avenue.

Mr. Sheppard answered no. We are looking at other properties within that area. We are looking at possibly placing a structure in that area. How large the structure we are not sure but we are looking at other properties.

Alderman Garrity asked anything south of Queen City Avenue.

Mr. Sheppard answered no.

Alderman O'Neil asked Kevin am I correct that Nashua has already gone through a similar situation and they have actually gone back and taken another look and in working with their consultant have actually come up with some different ideas that will save them \$150 million.

Mr. Sheppard answered to tell the truth I forget exactly what Nashua has done but they...

Alderman O'Neil interjected there were ahead of us. They thought it was a bigger project and actually in working with their consultant were able to come up with alternative ideas that the EPA approved. There is no lock in that we need a structure on that site. The other thing I would like to comment on is this was a first attempt at improving communication between the staff and the Board regarding the project. I hope it meets everyone's acceptance. If not, I was the one that was under the fire so let me know. I want to thank Bill for putting it together. I think he touched on every item without...as we know it is kind of a work in project down there so I appreciate it. I am sure there will probably be another one coming out at the end of this month. Let me know if anyone has any concerns with it.

On motion of Alderman Forest, duly seconded by Alderman O'Neil, it was voted to receive and file this item.

P. Communication from Senator Sylvia B. Larsen regarding Manchester's support of the NH Land and Community Heritage Program (LCHIP).

Alderman Wihby stated we had a discussion on LCHIP asking that maybe we could get somebody from Manchester put on the commission. There is an opening coming up. I think

this Board should send a letter to Senator Larsen and maybe the Governor asking that we fill it with somebody from the Manchester area. I think it is on Recreation. Maybe someone from the Parks Department can get on.

On motion of Alderman Wihby, duly seconded by Alderman O'Neil, it was voted to send a letter to Senator Larsen requesting that the opening on the NH Land and Community Heritage Commission be filled with someone from Manchester.

- Q.** Communication from the Milford Area Communication Center regarding the dispatching services offered by the Hillsborough County Sheriff's Department to towns in the county.

Alderman Shea stated this is in regards to a communication from the Milford Area Communication Center regarding dispatching services by the Hillsborough County Sheriff but what is the final disposition of that. There is no real final disposition. It is just a letter and a telephone communication but does anybody know what the final disposition was? Are they going to do it or are they not going to do it? Is it going to continue? I believe this has to do with monies paid by the county for different services rendered. Could we get a final answer for that? It does affect our tax bill.

Mayor Baines asked can anyone answer that. We will refer this to the Clerk's Office for communication back to the Board.

On motion of Alderman Shea, duly seconded by Alderman Garrity, it was voted to refer this item to the Clerk's Office for report back to the Board.

- T.** Petition for rezoning of certain land north of the centerline of Huse Road containing the Merrill Cemetery and the Harvey Industries facility submitted by Atty. Nicholas J. Lazos on behalf of Harvey Industries, Inc.

Alderman Wihby stated I guess the Clerk was going to give us a new date.

Deputy Clerk Johnson stated your Honor there was a request of Atty. Lazos to refer this to the Committee on Bills on Second Reading but also to a public hearing at the same time. We would request a motion to do so. The public hearing would be scheduled in September.

On motion of Alderman Wihby, duly seconded by Alderman Shea, it was voted to refer this rezoning petition to the Committee on Bills on Second Reading and to a public hearing to be scheduled by the City Clerk in September 2003.

Report of Committee on Bills on Second Reading

W. Recommending that a proposed ordinance:

“An Ordinance restructuring the Planning and Building Departments.”

ought to pass.

Alderman Sysyn stated I pulled this off at the request of the Planning Director. I will defer to Robert MacKenzie.

Mr. MacKenzie stated this particular item; the joint committee reviewed a proposal by Planning, Building and MEDO for a larger restructuring. The Committee took out certain pieces and presented those to this Board. The main piece is that the Zoning Board of Adjustment functions would be transferred from our department to the Building Department. There are some budgetary impacts as a result of that move and I just wanted to inform the Board that if the ordinance is passed tonight we will be requesting from contingency roughly \$3,000 to meet those budget impacts. That vote probably won't occur until a subsequent meeting but I did want to inform the Board tonight.

Alderman Wihby stated the \$3,000 is really in the Building Department though, right Bob.

Mr. MacKenzie answered no. What will have to happen is the different costs associated with the Zoning Board of Adjustment comes to \$68,000. That is a fairly good chunk of our budget and we are going to be left with some budget holes. We will be asking for \$3,000 for our own Planning Department budget.

Alderman O'Neil stated I am trying to get a handle on this similar to Alderman Wihby. What do we have to do in the Building Department then?

Mr. MacKenzie answered when the Board passed this particular function they did not pass the overall restructuring plan. That plan would have, because of the size of the department, had some efficiencies of scale. Only certain pieces of that were approved by the joint committee. The Building Department said that they wanted all of the costs related to the Zoning Board of Adjustment...ZBA members get salaries and benefits and the Zoning Board of Adjustment clerk gets a salary and benefits and they have a lot of expenses. Once that larger total is taken out of our department, we are left with some holes to fill and that is why we would come back with a request for contingency.

Alderman O'Neil stated let me make sure I understand this. This transfer takes place and you are saying you need \$3,000 to meet your budget. That is what you are telling us?

Mr. MacKenzie responded yes.

Alderman O'Neil asked is the Building Director here. Leon, do you have this money in your budget? This isn't a new item. I don't know why this wouldn't have been addressed during the budget process.

Mr. Leon LaFreniere stated we anticipated as part of the proposal since it was originally discussed that the cost associated with the department supplying the Zoning Board with administrative support would be shifted over. I think that what is being requested here tonight is slated more towards the Planning Department's budget and their situation. The Building Department budget is...we are in a situation where we are funding our existing function through the appropriation that we were recently granted through the budget process and we are only asking for costs directly associated with supporting the Zoning Board be transferred.

Alderman O'Neil asked so what are you asking for. How much?

Mr. LaFreniere answered I am not asking for any monies from contingency. I am only looking to have the monies transferred from the Planning Department budget to the Building Department budget as necessary to support all of the existing functions.

Alderman O'Neil asked can we do that, Kevin.

Mr. Kevin Clougherty answered the Board could take a vote to transfer.

Alderman O'Neil asked so we want to move \$68,000. Is that the number?

Mr. LaFreniere answered we have not had an opportunity to confirm that number.

Mayor Baines stated I don't think we need to deal with that this evening. We could have the Finance Officer review that and get back to us with a recommendation.

Alderman Lopez stated just so I understand this whatever amount the Clerk has in the Planning Department just transfers over to the Building Department. End of ballgame. I don't understand where you get this \$3,000 because when this went through Committee and everything there was no talk about that. I don't know what you need the \$3,000 for. If he is satisfied with the Building Department getting \$68,400, that takes care of the employee and the zoning. You make up the \$3,000 any way you want. I don't think we ought to be allocating more monies to your department. That is not the intent.

Mr. MacKenzie asked may I respond. The plan we did bring to the joint committees was a larger plan. It was a comprehensive one that the three departments took some time to develop. The joint committee took a couple of pieces and approved those but not the overall plan. We did not have time to evaluate the budget. The committee took an action and that

was it. In reviewing the budget we find that the ZBA function, for example, covers our front desk area at various times. We need two people at all times out front to manage the customer and public load. She would occasionally cover out front when we didn't have people out there. So, there is an area that we would have to cover if that function is not in our department. In addition, the ZBA has a considerable amount of expenses. If that is taken out of our department we will have the smallest operating expense in the City of the 22 departments and there is no flexibility. We will probably not meet that budget. In essence, as you make departments smaller there are inefficiencies created and we have to meet the demands of the public somehow.

Mayor Baines stated could I suggest that the Board refer this part of it to the Human Resources Committee to report back to the Board at the next meeting. I don't think we are going to solve all of this...I mean we can continue the discussion.

Alderman Lopez stated I was going to suggest, your Honor, that we go ahead and transfer the \$68,000 if the Building Department agrees to that and leave the \$3,000 in abeyance and let the Planning Board as they go along in time they might be able to pick up that \$3,000.

Mayor Baines responded the only thing I am saying is I think Leon has said that the number hasn't been verified. I would like the Finance Officer to verify that if we could do that at the next meeting.

Alderman Shea stated if all consolidation goes like this the City would become broke after awhile because we are working at a deficit.

Alderman Shea moved to refer the letter to the Human Resources Committee. Alderman Lopez duly seconded the motion.

Alderman Gatsas asked Mr. MacKenzie can you go back...you talked about benefits for people on the variance board.

Mr. MacKenzie answered that is correct.

Alderman Gatsas asked they are receiving health benefits.

Mr. MacKenzie answered they receive partial benefits. They receive a salary of \$1,200 a year and certain partial benefits.

Alderman Gatsas responded give me an example of partial benefits.

Mr. MacKenzie replied again I am not as familiar with specifics. I know the budget numbers related to them but it is a fairly small amount. It was granted by the Board of Mayor and Aldermen so we just carry those within our budget.

Alderman Gatsas stated I guess I would like clarification. If members are receiving health benefits or dental benefits or a portion thereof...

Ms. Ginny Lamberton interjected this is the first I have ever heard of that. Are they receiving health insurance, Bob?

Mr. MacKenzie responded I don't believe it is health insurance. I think it is unemployment, compensation, FICA, and a couple of other small ones. It is not health insurance.

Alderman Lopez stated we will take the whole issue up.

Mayor Baines called for a vote on the motion to refer Mr. MacKenzie's letter to the Committee on Human Resources. There being none opposed, the motion carried.

Deputy Clerk Johnson stated before you proceed I am presuming that the part that was referred to them was the money part. You still have Item W. You could accept that report because the ordinance will still have to come back to the Board at the next meeting.

On motion of Alderman Lopez, duly seconded by Alderman DeVries, it was voted to accept the report of the Committee on Bills on Second Reading.

Alderman Gatsas asked can somebody give me an explanation of what this money is for.

- Report of Committee on Community Improvement**
- Z.** Recommending that the Board authorize acceptance and expenditure of funds in the amount of \$73,483 for FY04 CIP 713004 Crystal Lake Water Quality Improvement Project, and for such purpose a resolution and budget authorization has been submitted.

Alderman Gatsas asked can somebody tell me what this money is for.

Mr. MacKenzie answered that is a grant from the State Department of Environmental Services. This will help clean the water quality of Crystal Lake by managing the storm water inflows into the lake. There are a couple of inflow points that have urban contaminants off of parking lots, etc. and this grant will help clean those.

On motion of Alderman DeVries, duly seconded by Alderman Pinard it was voted to accept, receive and adopt the report.

Report of Committee on Community Improvement

AK. Recommending that with regard to a petition to discontinue a portion of Mystic, Myrtle and Shady Lanes, the Board find that the subject areas of the petition having never been opened, built, nor used for public travel in more than 20 years from their initial appearance on the 1919 plan, have been released from public servitude pursuant to RSA 231:51.

Alderman Wihby stated on this item we voted for...well actually if you read what it says it says there was no vote necessary because it didn't have any public conveyance and it looks like we are actually voting with what we are saying here. I guess if we don't have any public conveyance...we have something that is coming up later on another issue on that same property and it looks like we are selling it to them for \$6,500 and we are taking something out that was there. It is going to go to Bills on Second Reading. Can we just send this item to Bills on Second Reading along with what is going to be coming up later?

Mayor Baines stated I would support that.

On motion of Alderman Shea, duly seconded by Alderman Forest, it was voted to refer this item to the Committee on Bills on Second Reading.

Alderman DeVries stated can I get clarification on that. Is the normal process that it has to go back to Bills on Second Reading? Could I ask the City Clerk?

Mayor Baines responded he is just asking that it be included as part of the other discussion.

Alderman DeVries stated but this is just a discontinuance of a paper street. Why would that have to go to Bills on Second Reading?

Deputy Clerk Johnson responded it doesn't require Bills on Second Reading. Under the statutes they are already discontinued. This is just a reaffirmation of law but I guess he is requesting that it go with the committee report that is coming in later. It is mismarked.

Mayor Baines stated it is going to come back out.

Alderman DeVries responded I understand it is going to come back. It is just a delay that is really not necessary.

Alderman Wihby stated it is not a delay, your Honor. You can't do anything until the other part passes anyway, which is going to Bills on Second Reading.

Mayor Baines responded it is coming back when.

Alderman Wihby replied we have something coming in that says it is a committee report from Lands and Buildings but it is really CIP.

Alderman DeVries asked is it coming back tonight.

Mayor Baines answered yes.

Alderman Wihby stated no it is not coming back tonight. There is another report that we are going to be voting on later to send to Bills on Second Reading. Along with this report we will send item AK.

Report of Committee on Human Resources/Insurance

AR. Advising that it has reviewed and approved an ordinance amendment:
“Amending Section 33.024, 33.025 & 33.026 (Children and Youth Health Director) of the Code of Ordinances of the City of Manchester.”
and recommends same be referred to the Committee on Bills on Second Reading for technical review.

Alderman Guinta asked does this...my first question is does this ordinance change or is it contingent upon the consolidation of Youth Services into the Health Department.

Ms. Lamberton answered no. This proposal is to establish a new job specification or new job classification. That’s all.

Alderman Guinta stated in the last paragraph of Fred’s letter to you it says should a consolidation with the Office of Youth Services occur, having a pediatrician resource to help deal with youth issues that stem from medical issues would be a plus. I am wondering if the consolidation issue is in any way related to the request for a new position at Health.

Ms. Lamberton responded Fred is here but I would say no it is not. It is just that this is going to be a wonderful thing to have happen for the City and the children in the City and if Youth Services is combined with the Health Department it will even be better.

Mr. Fred Rusczek stated this isn’t related to the consolidation. This is important to the Health Department with or without a consolidation. What we have experienced over the past couple of years is that we can’t find nursing supervisors at City wages and the City wages are competitive with other communities but people are opting to go to other avenues in healthcare. When we were looking for a medical director, we happened to come across a pediatrician with a Masters in Public Health who is leaving the medical field because she realizes that she can accomplish more in public health so we began to look at the opportunities to perhaps restructure the department and finally meet our needs and improve our services. Having a pediatrician will be of great assistance to the 30+ school nurses that we have. It is not contingent upon a consolidation. If there is a consolidation it may help us

recover some alcohol and substance abuse counseling money because there will be a better chain of command for Medicaid and insurance reimbursement.

Alderman Guinta asked are we getting rid of two positions and creating one.

Mr. Rusczek answered we are getting rid of two positions and creating a new position plus we will have a school hour, school term supervisor.

Alderman Guinta asked and the salary and benefits of those two new positions are going to be less than...

Mr. Rusczek interjected yes because it is going to be school term only so it is going to come out less and another position that we have had a real challenge trying to fill is we have always had a contracted school physician to handle some of the emergencies that come up and we haven't been able to find anybody. This will solve that problem as well.

Alderman Guinta asked so is the money for that contract in your budget.

Mr. Rusczek answered yes.

Alderman Guinta asked what is that money being utilized for then if we don't have a contract.

Mr. Rusczek answered it is a \$5,000 amount in the school side of the budget. School health pays for that. The School Department pays as part of the school health services. Last year it just didn't get spent.

Alderman Garrity asked so there is no fiscal impact.

Mr. Rusczek answered no. Actually for fiscal year 2004 it is a couple of thousand dollars cheaper when it is annualized. It will come out to be a \$20,000 savings because of the September 1 start date.

On motion of Alderman Lopez, duly seconded by Alderman O'Neil it was voted to accept, receive and adopt the report.

Report of Committee on Lands and Buildings

AV. Recommending that the City not accept a donation of land on Peabody Avenue for a dog park.

Alderman DeVries stated I am not quite sure which staff might have been involved in taking a look at the request to donate property for a dog park. I know that Parks & Recreation took

a look and decided that the lot was extremely undersized. My question would be has anybody taken a look to see if there were any other purposes – other departments? I notice this is right alongside an abandoned railroad bed.

Mayor Baines asked can somebody on the Committee address this.

Alderman DeVries stated it was on the Lands and Buildings agenda and I apologize because I wasn't at the last meeting but I am just wondering if it has gone to all departments to see if there is a use Citywide. This owner is not indicating that it has to be specific to a dog park. It could be used for something else.

Alderman Garrity stated it just went to Parks & Recreation. It didn't go to any other department. They came back with a recommendation.

Alderman DeVries stated I would recommend that we amend the letter to tell them that at this point in time although there is not determined to be a need for a dog park because of the size of that lot but if they are interested in discussing other needs to maybe contact the Aldermen of the ward, which would be Alderman Pinard.

Alderman Pinard stated the land was looked at by Ron Ludwig and other different people. It was suggested at the meeting that we leave that land on the tax roll because the neighborhood didn't want a cemetery or whatever for the dogs and it is too small for any other use.

On motion of Alderman Pinard, duly seconded by Alderman Garrity, it was voted to accept, receive and adopt the report.

Letter from Peter Favreau resigning his seat on the Highway Commission.

On motion of Alderman Forest, duly seconded by Alderman Lopez it was voted to accept the resignation of Peter Favreau from the Highway Commission with regrets.

Nominations by Mayor Baines:

Fire Commission

Sean Toomey to succeed himself, term to expire May 1, 2006.

Peter Favreau to succeed William Varkas, term to expire May 1, 2006.

Mayor Baines stated I would like to publicly thank Commission Varkas for his many years of service to the Fire Commission. I know we are very sad to see him go. He has been a very loyal and trusted member of that Commission for so many years and I think it again points out the importance of these Commissions to see somebody with so many years of service. We want to thank Commissioner Varkas for his many years of service.

Mayor Baines stated I would ask the Board to suspend the rules and approve both of these nominations this evening.

On motion of Alderman Forest, duly seconded by Alderman Pinard, it was voted to send a letter to Commissioner Varkas for his many years of service.

Mayor Baines stated I would like to invite him to the next Board of Mayor and Aldermen meeting to thank him for his many years of service so we will do that as well.

On motion of Alderman DeVries, duly seconded by Alderman Lopez, it was voted to suspend the rules and confirm the nomination of Sean Toomey to the Fire Commission, term to expire May 1, 2006, and Peter Favreau to the Fire Commission, term to expire May 1, 2006.

Airport Authority

Nominations are recommendations from the Town of Londonderry:
Steve Young to succeed himself, term to expire March 1, 2006; and
Brian Cashman to succeed Mike Denton, term to expire March 1, 2006.

On motion of Alderman O'Neil, duly seconded by Alderman Pinard, it was voted to suspend the rules and confirm the nomination of Steve Young and Brian Cashman to the Airport Authority, term to expire March 1, 2006.

Planning Board

Peter Sorrentino to fill the vacated seat of George Holt, term to expire May 1, 2005.

Alderman Smith moved to suspend the rules and confirm the nomination of Peter Sorrentino to the Planning Board, term to expire May 1, 2005. Alderman DeVries duly seconded the motion.

Alderman Wihby asked the note about Pat Duffy...is this the same position that we are talking about.

Mayor Baines answered Pat's name was submitted and was going to layover. He has since, due to his other commitments to the Currier Gallery and other things felt he could not serve.

Alderman Wihby asked so now you are nominating Peter instead.

Mayor Baines answered yes.

Mayor Baines called for a vote. There being none opposed, the motion carried.

Communication from Robert MacKenzie regarding Bethel Court, advising that MHRA has requested funding for lead paint abatement and possible other improvements, and will have paperwork available should the Board wish to consider funding the request.

Mr. MacKenzie stated there were two items. I wanted to indicate to the Board that this is a temporary building. MHRA is requesting up to \$20,000 for lead paint abatement and there may be some other costs, for example, with appliances. I just wanted to verify that the Board considers this a reasonable investment. In my own opinion it was only for two years. It is probably not wise to invest this amount of money but to my knowledge that are no plans in the next couple of years to remove this building for the expansion of the library. It is probably a reasonable investment if we are looking five years out. I did want to review that with the Board first to see if there was a consensus. We did identify funds for it. We could use money from the Affordable Housing Trust Fund to make the improvements and do the lead paint abatement if the Board so chose.

Alderman Shea moved to approve the request. Alderman O'Neil duly seconded the motion.

Alderman Shea asked, Bob, when will this be set for occupancy. This has been a long process here. I remember when Alderman Levasseur came before the Board several years ago with pictures and so forth. Obviously it has been vacant and there was some discussion about the Library taking it and removing the tenants and so forth. When will this be ready for occupancy?

Mr. MacKenzie answered I would defer...there are two representatives here from MHRA.

Alderman Shea asked just a ballpark figure. Obviously things could go wrong there.

Mr. Ken Edwards, Assistant Executive Director of Manchester Housing and Redevelopment Authority stated late last fall we negotiated a management contract for this property with the City and shortly after that discovered that there were some hazardous materials in the building in the form of asbestos and lead paint. We proposed to the City and staff approved getting some testing done to determine exactly where the asbestos and the lead was and to what extent. We have the results of that testing now. What we are asking is for the money to basically put these units in a safe condition so that the City doesn't have to be concerned about the liability of poisoning children when the property is occupied for whatever period of time you elect to have us manage the building.

Alderman Shea asked so when will it be ready for occupancy.

Mr. Edwards answered we will probably need 60 to 90 days to complete the work and then begin lease up. These will be Section 8 voucher holders who will occupy the units.

Alderman Shea asked when would that be. In December or January?

Mr. Edwards answered I would say probably October/November.

Mayor Baines stated the Clerk has advised me that the motion would be that the related resolution and budget authorization be referred to the Finance Committee.

On motion of Alderman Shea, duly seconded by Alderman Lopez it was voted to refer the resolution and budget authorization to the Finance Committee.

Alderman Lopez stated I have a question. In your letter, Mr. MacKenzie, you say that other additional funds will be required. What are the additional funds over and above what has been requested?

Mr. Dick Webster replied we know that not all of the appliances are in the apartment. We know that there is going to be a need for a couple of refrigerators and stoves. I can't think of anything beyond the specific items that we have requested. We have requested funds for the abatement. We know that we need some appliances but beyond that it meets the housing code and I think we are in good shape otherwise.

Alderman Lopez asked how much money is that and where would it come from, Mr. MacKenzie.

Mr. MacKenzie answered there would need to be \$20,000 as indicated in their request. There is a balance in that building project of \$7,200. That difference we would recommend come out of the Affordable Housing Trust Fund.

Alderman Lopez asked in your letter here is that a mistake. I presume it is. Down at the bottom it has \$4 million for all work except windows. Is that supposed to be \$4,000 at the bottom of your letter?

Mr. Webster answered yes. I am sorry about that.

Alderman Shea stated I am a little bit confused now in terms of what do the taxpayers get out of this. We, as a community, give money to the Manchester Housing Authority. You guys then repair this but do we get any money back after we give it to you? How does this work? We seem to be giving and giving and wonder when it is coming back to the taxpayers. Could you explain that scenario please?

Mr. Edwards replied I will try. The management agreement that we have with the City calls for us to manage and maintain the property, make it available to income eligible Section 8 families and if there are...we will be issuing vouchers so the Federal government will

actually be paying the market rate rent for these units and the tenant would pay their appropriate share of rent based on their income. Any rents in excess of what is needed for maintenance or management would return to the City but we don't expect...we are expecting that there will be a reserve but we really don't know how much and we will report to the City annually on the results of rent collected minus expenses with net proceeds and ask the City what they wish to do with those proceeds.

Alderman Shea asked so the process is that the City helps you out and you help the citizens out who are in need, which we want to do, and then any excess amount of monies after you cover your expenses comes back to the City to reimburse the City for monies that they have spent in order to get this going.

Mr. Edwards answered that is correct.

Alderman Gatsas stated your Honor can somebody be a little bit clearer...you are right now hired by the City under a management contract.

Mr. Edwards answered correct.

Alderman Gatsas stated you are currently being paid.

Mr. Edwards answered no. We have a contract that says that we are willing to lease the building as I described and perform these services and we will get the cost of our...we will get reimbursed for the amount of time that we have invested from the rents that are collected and if there are excess rents they will be returned to the City.

Alderman Gatsas asked can you be a little bit more specific. On Section 8 housing what is the monthly rent expected to be?

Mr. Edwards answered we would expect that these units would probably rent for \$1,000/month.

Alderman Gatsas asked and there are three units.

Mr. Edwards answered yes.

Alderman Gatsas stated so that is \$3,000/month or \$36,000/year. What are the expenses on the \$36,000?

Mr. Edwards answered if we experience what we do in our regular housing programs, I guess we are expecting about \$500/month in expenses. That is normal management and

maintenance. Then we would suggest that there be a reserve established to cover non-routine maintenance items. This is an old building and if we need a new roof...

Alderman Gatsas interjected let's assume we will use a 10% residual. That is \$3,000. That is net \$27,000 and that \$27,000 come back to the City.

Mr. Edwards responded yes. Whatever the actual rents collected minus the expenses are will be returned to the City.

Alderman Gatsas stated I think that is back to the question that Alderman Shea asked.

Alderman Shea asked where does it go in the City. Does it go to the general fund?

Mayor Baines answered it is revenue. This is going to be referred to the Finance Committee.

Mayor Baines called for a five-minute recess.

Mayor Baines called the meeting back to order.

Mayor Baines stated I would like to make an announcement before we go into the Finance Committee. We are very optimistic that within the next day or so we are going to be receiving some very favorable information regarding the bond rating of the City. I just wanted to give you a heads up on that. There should be something coming out within the next 24 hours or so that is going to make all of us very proud of the City and the work that we have been doing in the City regarding investment in the infrastructure of the City and the fiscal management of the City. I just want to let you know. I can't say anything more about it than that but that is some very good news. We have been meeting with the rating agencies off and on for the past three weeks and we have some more to go but there is a very impressive story being told about our City that sets it apart from communities across the nation. We will have more news on that but it is something that is going to bring great pride to you and your service to this community.

On motion of Alderman Sysyn, duly seconded by Alderman Smith it was voted to recess the regular meeting to allow the Committee on Finance to meet.

Mayor Baines called the meeting back to order.

OTHER BUSINESS

A report of the Committee on Finance was presented recommending that Resolutions:

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Six Million Dollars (\$6,000,000) for FY2003 CIP 612803 Section 108 Economic Development Initiatives.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Seven Thousand Eight Hundred Twenty Six Dollars (\$37,826.00) for 2003 211103 STD Clinic.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500.00) for 2003 CIP 210603 Immunization Services.”

“Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Seventy Eight Thousand Four Hundred Fourteen Dollars (\$478,414) for 2002 CIP 210902 Substance Abuse Prevention and Treatment.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Four Thousand Dollars (\$24,000) for the 2003 CIP 216003 Oral Health Services.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Six Thousand Six Hundred Sixty Four Dollars (\$56,664) for 2003 CIP 411503 Domestic Preparedness Equipment Funds.”

“Amending the FY1999, FY2002 and FY2003 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Six Hundred Thousand Dollars (\$600,000) for FY2003 CIP 612703 Piscataquog River Apartments Project.”

“Authorizing the Finance Officer to effect a transfer of Seventy Eight Thousand Three Hundred Ninety Seven Dollars and Twenty Seven Cents (\$78,397.27) for the 1998 CIP 760326, Test Seal & Repair Green Acres Sewers Project.”

“Amending the FY1994 and 1998 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Eight Thousand Three Hundred Ninety Seven Dollars and Twenty Seven Cents (\$78,397.27) for FY2003 CIP 760326 Test, Seal and Repair Green Acre Sewers Project.

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Three Thousand Four Hundred Eighty Three Dollars (\$73,483) for FY2004 CIP 713004 Crystal Lake Water Quality Improvement Project.”

“Amending the FY2004 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Three Hundred Sixty One Thousand Eighty Three Dollars (\$361,083) for FY2004 CIP 214604 State of New Hampshire Health Grants.”

“Amending the 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Twelve Thousand Two Hundred Fifty Four Dollars (\$12,254) for the 2004 CIP 411504 Fire Emergency Management Plan Project.

“Rescinding authorization on unissued Bonds, Notes or Lease Purchases for various Parks, Recreation & Cemetery projects which are no longer required.”

“A Resolution amending the FY2003 Community Improvement Program and deleting various Parks, Recreation & Cemetery Projects which are no longer required.”

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Forty Nine Thousand

Ninety Six Dollars and One Cent (\$249,096.01) for FY2004 CIP 411604 Homeland Securities Program.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Five Million Dollars (\$105,000,000) for FY2003 CIP 310303 Schools Improvement Program.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Seven Million Five Hundred Thousand Dollars (\$27,500,000) for FY2003 CIP 511803 Stadium Construction & Gill Stadium Reconstruction Project.”

“Amending the FY 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Six Thousand Five Hundred Twenty Seven Dollars (\$6,527) for FY2004 CIP 411704 Domestic Preparedness Equipment Support Program.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Nine thousand Two Hundred Seventy Five Dollars (\$79,275) for FY2003 CIP 713703 City Motorized Equipment Replacement Project.”

“Amending the 2003 Community Improvement Program, authorizing, appropriating and transferring funds in the amount of Twelve Thousand Five Hundred Dollars (\$12,500) for the 2003 CIP 612603, Bethel Court Hazardous Materials Remediation.”

ought to pass and be enrolled.

On motion of Alderman Sysyn, duly seconded by Alderman Pinard, the motion carried with Alderman Garrity duly recorded in opposition to FY2003 CIP 511803 Stadium Construction & Gill Stadium Reconstruction Project.

Mayor Baines addressed Item 12 of the agenda:

Report(s) of the Committee on Lands and Buildings, if available.

Deputy City Clerk Johnson noted that two reports had been distributed, one for the CIP Committee which was miss-marked, a correction having been made she apologized for any confusion, and the second report for the Lands and Buildings, and if the Board had no objection, she would present the CIP report first. There was no objection noted.

A Report of the Committee on Community Improvement was presented recommending that a request of Attorney Manning, on behalf of his client Robert Demers, to remove the restriction of consolidating properties into a single lot line be approved. For such purpose an Ordinance amendment was submitted with the recommendation that it be referred to the Committee on Bills on Second Reading for technical review.

On a motion of Alderman Wihby, duly seconded by Alderman DeVries, it was voted to accept, receive and adopt the report.

A Report of the Committee on Lands and Buildings was presented recommending that the Board find that a property known as Map 102, Lot 48 situated off from Page St. be found surplus to City needs, that a minimum bid of \$13,901.08, which is in the Board of Assessor's range of value, be referred to public auction.

On a motion of Alderman Garrity, duly seconded by Alderman Forest, it was voted to accept, receive and adopt the report.

Communication from Alderman Smith asking the Board's support to fly a POW/MIA flag on one of the City Hall Plaza flagpoles.

On a motion of Alderman Smith, duly seconded by Alderman Lopez, it was voted to order the POW/MIA Flag be hung below the City Flag in the City Hall Plaza as a show of support by the community.

Communication from Alderman Wihby asking that the Board of Mayor and Aldermen discuss the consolidation of the Health Department, Elderly Services and the Office of Youth Services and act to adopt the ordinance.

Alderman Wihby stated Your Honor as you know this was...I don't know if it was your proposal...but you were in support of the consolidation, Your Honor. We've talked about it in the budget process, it's gone to a couple of committees and I just publicly want to take a vote, Your Honor, and move this so that if we do consolidate and in the future we'll end up saving some money.

Alderman Wihby moved to recommend the consolidation of the Health Department, Elderly Services and the Office of Youth Services and act to adopt the ordinance. Alderman Gatsas duly seconded the motion.

Alderman Forest stated I'd like to make an amendment to Alderman Wihby's motion. I would go along with the Youth Services and the Health Department. I do not go along with the Elderly.

Alderman Forest moved to amend the previous motion to combine the Health Department and the Youth Services and leave the Elderly Services as they are. Alderman Lopez duly seconded the motion.

Alderman Wihby stated Your Honor I don't know what happened. I guess this went to Human Resources first?

Mayor Baines replied yes.

Alderman Wihby stated and was voted out of Human Resources and passed the recommendation.

Mayor Baines replied that's correct.

Alderman Lopez interjected just for the record it passed by a three total vote.

Alderman Wihby asked all three departments?

Alderman Lopez answered no, three members.

Alderman Wihby asked was there discussion to only make it two? And what happened? Was there discussion to have Elderly dropped out and have Youth...?

Alderman Lopez replied no, the motion was made by three members of the Board, three members of the Committee to put both departments in the Health Department.

Alderman Shea stated I'm not quite sure. Is Fred here tonight? There are certain questions that have come up Fred. Could you elaborate what improvements can we expect as a result of this consolidation? Improvements now.

Health Department Director Fred Rusczek stated okay just the improvements. When you look at the three departments, the Office of Youth Services, Elderly Services Department, and the Health Department, we are the three departments of the City that primarily serve the citizens of the City as human services. Each of the functions that the departments have might sound like their a little different, but in each of our cases we're all working towards that same goal of improving the health and protecting the health of the public and enhancing the quality of life. So there are some similarities. Now, with the restructurings that we looked at, some of the primary things that we wanted to do, and we met by the way as a group over a process in year 2000, we talked about by having a larger department when we reduce the administrative functions so that the time saved could be redirected to the services and programs. In other words, if you cut out the work of two of three department heads to do the department head functions, that time could in turn go to be looking for resources and improving services or providing services. So that was the streamline administrative function produces more efficient operations, and that was a key one. At times, there are things that we can do together. I know we hear about coordination and coordination is good and important and we obviously work with many in the community around coordination, but coordination isn't more efficient than being together in a meeting and creating a common vision and moving towards a common vision. That means everybody is much more efficient to be able to do things on a day to day basis than rather than call and schedule meetings and try to move in a different fashion. So it would be one unified voice and one unified vision for human services in the City. In the area of elderly, we propose that elderly would come

under a new department of Public Health and Community Services as a standalone unit. They're in the middle of a tremendous undertaking in terms of building a new senior center and to keep them as a separate unit, much like environmental protection division is in the Department of Public Works, would be very beneficial and we can provide support and perhaps some of a freedom that the Director would have from the department head duties could certainly help in terms of perhaps capturing some outside resources toward the elderly center. For the Office of Youth Services we provide a lot of functions that are very similar or identical to what they do. We've had tobacco prevention programs, we've have a large grant for substance abuse, and as you saw on the agenda tonight, substance abuse and a treatment in prevention for adolescents, we've led the community in adolescent pregnancy prevention, which is a youth issue. Youth issues, you don't get a youth with a single issue very often. If you've got an adolescent with problems with the law, then you've got an adolescent with problems with alcohol and substance abuse and perhaps tobacco and children who are at risk of sexually transmitted diseases and others. We serve a lot of the same kids. In a three month period at the beginning of this year, our school nurses provided 90 substance abuse and alcohol assessments in the schools. By bringing Youth Services and the Health Department together then all of a sudden we're creating a better team for the community, and again, capturing the savings that comes by reducing the administrative burden and perhaps enabling the City to look at providing services to prevent problems and to look at our growing diversity. To look at the fact that over the last decade we had a 35 percent increase in children living in poverty. So we have growing issues and if we address them in terms of prevention, we can be a lot better off in the future.

Alderman Shea asked physically would the director be located in the new Senior Center or would the director be located in the Rines Center?

Mr. Rusczek answered that would be in...Barbara Vigneault would continue over in the Senior Center.

Alderman Shea asked she would stay over at the Senior Center, but then what would be the consolidation?

Mr. Rusczek answered the consolidation there would be to pick up the support function. The department head functions, the budget, the payroll, and accounts receivable so the time can go to...

Alderman Shea asked so she would of necessity have to have an office at the Rines Center too in order to coordinate things when she's there?

Mr. Rusczek answered no. That sort of stuff can be sent through interoffice mail or handled via email today. But no, that wouldn't be necessary. Now, for the Office of Youth Services, we're already doing the payroll, accounts receivable, and budgeting functions for them.

Alderman Shea stated the people that are on the Elderly Commission; they are opposed to this. What would their roll be in all of this? Are they going to still be part and parcel of the Elderly Services?

Mr. Rusczek replied again Alderman, what we've tried to do is with Elderly Services is to keep the unit in tack exactly as it is and to continue the advisory function of the Elderly Services Commission. Their at a real turning point now in their history with the Senior Center being built and to change direction for some of the work that they're doing and their structure, wouldn't be advised but, on the other hand, by reducing some of their burden from the administrative oversight might be a welcome opportunity for them at this point.

Alderman Shea asked would there be any savings to the taxpayers? You indicated I guess at the last meeting that you attended that there would not be any savings?

Mr. Rusczek replied actually at the last meeting I believe what I said was the savings wouldn't be as were proposed with Youth Services back in September of 2002. A lot has changed since then; some of our grant programs have changed. Opportunities arise every day. The savings that comes from efficiency and operations is significant, but there's also an opportunity right now. We've got some federal money to improve outreach for diseases that most typically happen in adolescents and it could be a promotional opportunity for one of the two youth outreach workers if they were part of a larger department, and in turn capture some savings. Moving ahead if you look at the Office of Youth Services and the Health Department being in the same building and sharing facilities and stuff, there's tremendous opportunities for savings.

Alderman Shea stated well I can see the Youth Services, but I'm just a little bit concerned about the elderly because they're going to have their own venue, and it just strikes me that where they're going through this large overhaul in terms of going from two present areas into one larger area, I'm not quite sure exactly how that's going to work out. In other words, would it be perhaps more prudent to sort of take it step by step. Maybe working the Youth Services into the consolidation and then possibly seeing how the operation of the elderly with the new Senior Center comes about, and then maybe seeing whether or not that could be brought into the Health Department. And the other concern I think, and I don't want to go too long, but the other concern that they have raised is that if there's a budgetary problem, that obviously your main focus is your Health Department and if some members of different types of departments are grouped together all in a large conglomerate, then obviously there might be cherry picking here in terms of who is going to go first and who is going to go second, and what services are more essential, and so forth. Would that happen? Is that possible that that could happen? Like somebody brought up tonight the fact that your budget was short and that you were going to lay off one of the people that work in the department. Would that kind of be something that would be a problem?

Mr. Rusczek answered if I were a department head of a larger department, obviously as department head I would hope I would never have to make a choice over what would be one of our programs. But that being said, we have a kind of a list of priorities that we look at in the Health Department when it comes to cuts, and if it's a matter of cutting something that protects the public, like tuberculosis control as opposed to something that improves the health of the public but doesn't protect them, then yes I would probably be in a position where it would be forced to go and maintain what protects the public generally speaking. Again, now by having Elderly Services as a separate unit within the department, the Aldermen would be able to see exactly what the budget is and hopefully have some input.

Mayor Baines stated with public building services the separate budget within that division, so when we act upon the budgets, we act upon them as divisions within those units. It would be exactly the same thing.

Alderman Shea asked so what you're saying is that if Elderly Services or Youth Services, they would have their own budgets and submitted to you and you then would approve or disapprove and send that budget along too along with yours to the Aldermen for consideration?

Mayor Baines answered that's correct.

Mr. Rusczek stated what we had proposed is Elderly Services would stay as a separate unit, but there's too much to gain by moving Youth Services close to the youth functions of the Health Department. So they would kind of be blended in, but the way we said we would do that is that we would do that through the process we use for everything in the Health Department. We have a total quality management team, known as our Service Excellence Team, we go through and discuss programs, priorities, and outcomes and valuation and cost, and then we kind of blend it in and talk about what we can do strategically to improve things. So I wouldn't want to sit here and say as an edict that we would cut this or cut that, I'd much rather do that working with them, and we said we would provide quarterly reports about that process back to the Board of Aldermen.

Alderman Shea stated one final point is that, when consolidation takes place, obviously there is the thought that maybe, now maybe, there would be the possibility of classification upgrades. In other words, more people are added to the department, possibly not you, but some of the other people below you have added responsibilities and so forth. So will there be any classification upgrades now or in the future as a result of any consolidation, whether it's just the Youth Services or whether it's a combination of Youth and Elderly with the Health?

Mr. Rusczek answered we didn't envision that there would be any pay increases as a result of consolidation.

Alderman Shea asked in the future or now?

Mr. Rusczek answered not being able to foretell the future, there's nothing planned or even foreseen...

Alderman Shea interjected no I don't mean the regular kind of upgrades, but I mean kind of a...

Mr. Rusczek replied no there's nothing planned as part of the consolidation to create any upgrades.

Alderman Forest stated Alderman Shea apparently being a little older than I has probably gone down the road a little further than I wanted to, but as far as the seniors combining with the Health Department, I know I believe last year or within the last six months one of my committees had a meeting with you and I believe the figure was the savings of \$58,000. Correct me if I'm wrong on that.

Mr. Rusczek replied last year when we met we had talked about a savings of \$30,000, but all of that money was coming from changes in Youth and Health together.

Alderman Forest stated okay. There was another figure mentioned at our last meeting, maybe three weeks ago, and you had mentioned a figure of \$36,000 combining all of these.

Mr. Rusczek replied you're right. Some of the additional money was just kind of a crude estimate that what might be saved by reducing photocopiers, separate phone bills, phone systems, and separate waiting areas within the construction of the Rines Center.

Alderman Forest stated and I know I question the fact about...you know I had my concerns last year about the Youth Services going with the Health Department and you've addressed those concerns with the Youth Services, but the last meeting we had there was a comment I believe that you made and I don't know if I can quote you exactly but you said that if we didn't do this that week, that we may not realize the \$36,000.

Mr. Rusczek replied right now the Rines Center is about to begin construction. If Office of Youth Services is consolidated today, then there would be the savings of not having to create a separate waiting area and to kind of change the layout. And that would produce a savings that I had roughly estimated at \$10,000 with absolutely no basis other than looking at what it costs to put a few doors in a few places. If that doesn't occur, and if there's a consolidation

in the future, then we're going to have to retrofit the Rines Center to meet the layout. So the opportunity would be Youth Services is almost a immediate opportunity.

Alderman Forest stated the savings to the seniors if we do this, I know some of the complaints that I've received from some of the seniors was that if they go to the Senior Center to get shots, it's free, but if they go to the Health Center, you charge them \$12 to \$15. Is that correct?

Mr. Rusczek answered I'm not certain that others are free. We have been charging for everybody for flu shots, seniors or otherwise. With bringing on a Medical Director, we're going to be able to get Medicare Part B reimbursement, so we're hoping that for seniors from here on in we won't have to charge anything at all. But we have in the past, you're correct.

Alderman Forest stated and the next two things I want to say may be more comments than anything else. You spoke about support to the seniors. That it would be easier to support the seniors there than it would be maybe at the Senior Center. It's easier financially I guess to have them there then with the Senior Center and the comment I have to make is, you do homeland security with the Mayor now, all the department heads that the Mayor needs comes to the Mayor's meeting, I'm not sure if it's once a month or once a week, so the difficulty about getting a support staff together is not going to save anything. I believe that the Youth Services and the Health Department consolidation will work. I feel where the City is going to be spending \$3.2 million to build them a Senior Center; I personally am going to vote not to consolidate the seniors with the Health Department. Let's put them in Senior Center where they belong.

Alderman Smith stated as you well know this has been going on every other month for the last two years, and I'd just like to read and this is what bothers me. Let's start off with the Youth Services. The Division of Youth Services shall be administered by the administrator of Youth Services who initially shall be the former Youth Service department head and then shall after be appointed by the Health Officer, and I know in my experience working for the City that the Building Department was consolidated with the Highway Department. The Cemetery was consolidated with the Parks & Recreation. You show me the savings and I'll show you that services have been cut in those departments, because you can't ask the same individuals to do two different jobs. And talking about Youth services, they have a qualified expert staff and they deal with problems with the Police Department and the courts and I believe they probably have seven employees, I could be wrong on that, but I think you're going to reduce the resources. And as far as the elderly, I don't think there's any question they should not belong with the Health Department and I've expounded on that many a times. I just can't see, we've been hammering this, it's been in committees, it's been to two committees, about ten Aldermen have been involved, and I can't see this coming to a head. I think that they should be separate, and if you want anything, when I worked at the Highway Department, the Traffic Department was part of the Highway Department. That did not

work, and it still won't work today. They are not similar work at all. So I would rest on that and I hope that everybody would go along with the Bills on Second Reading and defeat this.

Alderman DeVries stated you said something earlier Fred that I'd like you to clarify for me. When you were speaking of a new grant opportunity or monies that there might be a promotional opportunity for the youth counselors at YDC. I didn't understand what you were trying to put across there, so maybe you could elaborate.

Mr. Rusczek replied the Health Department is a recipient of many sources of outside funding and with the funding sometimes comes a new position. As part of a federal interest to reduce sexually transmitted diseases, we're going to need to hire a Public Health Specialist who can go out and investigate diseases. That individual is going to need to have a knowledge of the community and where to access people who might be at risk. Some of the same skill sets that I use by the youth outreach workers. So in a larger department it could be that a youth outreach worker, and again, I'm saying could be because it's largely up to people as to whether or not they want to move towards a promotion and additional training, but if that person moved up and they're still out in the community able to be the eyes and ears and do some of the outreach work, but perhaps create quite a savings for the City in the process.

Alderman DeVries stated so what you're saying is that there could be opportunities for advancement within the corresponding departments when they are combined that would not be available to them today. Would you elaborate for me? Are you looking to reduce any of the current staff other than the department head position at Youth Services?

Mr. Rusczek answered again the process that we said, and the directive that we had from the Mayor at the start was that this is not about eliminating people as much as it is about meeting our needs without an increased cost. So the process would be that everybody would come in, everybody would have a home, and that we would work together as a department to come up with a plan that would best need the youth needs of the community. And so that the way we always done things in the Health Department is by working as a team and that's what we would do with Youth as well.

Alderman Lopez stated just a couple of comments to put it in the right perspective. At the present time we have an acting department head, Youth Services, Grade 20, getting paid as a Grade 26, whose position was downgraded to a Grade 23. When you talk about communication of the faster, if everybody was consolidated, I disagree with that only because there was a discrepancy, and I would hope and you indicated that all department heads work together. So if there was a discrepancy in the Health aspect of it in the City, I believe that the Mayor would direct his department heads to cooperate with you 100 percent and come up with a plan. I think that he would do that. I second this motion because, if the City does not have her continue to get paid as a Grade 26, the Mayor is going to have to make a decision either to hire a new department head for that place, or appoint her so we'll

continue to pay her Grade 26, and it's not fair to other employees. So the question is, how long does an employee have to be acting? I don't know. But I think it makes sense at this time that where we had a department head retire and the situation that we're in, that Youth Services should go to the Health Department because youth for a tremendous amount of health reasons between the nurses that go to school and all of the teen pregnancies and the assistance that they need and everything. So I believe that that's the proper place at this time. If the members of this Board want to shoot this down, then the Mayor will have to make a decision. This amendment to this motion does make sense at this time.

Alderman Wihby stated, Your Honor, we could find any excuse we want to vote against consolidation. We talked about it in the budget process. I heard some of the Aldermen that are speaking against consolidation today saying yes we should look at it and take it up again. The problem with consolidation isn't because it's wrong, it's because we're afraid of what it's going to cost. It's going to cost somebody that we like doing their job or somebody is going to be overseeing somebody that we like doing their job, I mean that's where the discussion is going today. It's not because it's wrong, it's because we're trying to protect some of the things that are there. And when you do that that's why you don't have the savings that you anticipate. That's why when we just looked at Planning and Building that it costs more to do that than it would have been if we had done it the right way the first time and saved money, we said no because we want to protect all of these private things and all of this other stuff going on. So let's not hurt that part and let's just do what we can and we'll look like we're doing something, and now it costs us \$3,000 more. And now we're doing this to Health and saying well we're not going to save any money, so let's make it look good and let's at least do Youth with this, when the right thing is doing all three. We've talked about it, we're not hurting anybody, we're not saying the person in that job wasn't doing her job, because she did a great job over there and she's still going to do her job, she's still going to run the center, it's a separate budget, and there's nothing...other than she's going to have maybe Fred over her, there's nothing that's going to effect them. We heard all different things from the seniors that are thinking this is bad, but I don't think they have the right story. They're hearing it from the wrong source. We're going to cut their budget, we're going to make them pay for this; all we're doing is trying to consolidate administrative services, like we've talked about before, payroll and things like that, in order to save money. Space problems to save money and if we had done it earlier, we would have saved more money, but because we're delaying it and delaying it, and probably going to vote it down tonight, we're not going to save the money. Until we start doing things differently in the City, and I've said this a number of times, we're not going to help our budget out and we're going to do the same problems and we're have the same problems every year. We have to start sometime and if we can't do a simple thing like this, where it's not effecting anybody to start, because we don't want to hurt everybody, so we're just going to do it little by little. We're not going to do anything in the future to do the bigger ones that we have to do.

Alderman O'Neil stated the discussion of consolidation has really come out of a last option that we have to address the fiscal situation in the City. We have squeezed the departments as tight as can be, and there's no more room and in my opinion if we don't start doing business differently, it's going to result in layoffs. There's no ifs, ands, or buts about it and every time we lay off, it's the bottom level employee that gets laid off, not the top level, the administrator. And if you look over the years throughout the City that in fact has been true. We've cut the delivery of services, but we have cut the cost to administer those services. I believe the failure to act will reduce the level of service to the citizens of our City because we're going to have this Board or actually future boards will have no option but to lay off employees and that's the norm around New England in cities. We're actually doing pretty, pretty good. We've spent hours discussing the ones that really had minimal savings. In my opinion there's a bigger one out there where we can see significant savings. I think we do need to recognize, and Fred and I have had these discussions at each of the departments if they are merged into Health and becomes divisions of Health, have specific needs, they need to operate differently. Youth Services needs to operate differently than Elderly Services, needs to operate differently than Health. How many of the people at Youth Services carry beepers and really work 24/7 and, therefore, they may get called out in the middle of the night. Well we can't expect them in work at eight o'clock in the morning if they've been out with a kid for three or four hours in the middle of the night and I think Fred recognizes that, that there needs to be flexibility in that. It can't be as structured as maybe the Health Department currently is and you know there may specific situations with elderly. There may be trips involved on the weekends, where staff from elderly, and they may need time off. We're certainly not allocating all kinds of overtime to do those things. I just look at the success of when Building Maintenance was merged into the Highway Department, and I truly believe that we are providing services to the citizens of this City because of that consolidation. We need to do it. That's the bottom line.

Mayor Baines stated I'm going to step down from the Chair and ask Chairman O'Neil, and I'd ask him to recognize me to debate this issue.

Chairman O'Neil recognized Mayor Baines.

Mayor Baines stated the reason I've stepped down this evening is to participate extensively in the dialogue about this issue and to stress the importance that I place upon this and I want to commend Alderman Wihby for bringing forward a Minority Report, I have great respect for the opposition. But I'd like to address some issues related to this. First of all, this is a proposal that has surfaced under two different administrations. When it surfaced under my administration, all of these consolidation proposals that we have brought up, were brought up in a way that I felt would have the best chance of success. They were not top down mandates that were saying I want the department heads to get together to formulate plans to provide better services to the citizens of Manchester. Now if in providing better services, we could bring about efficiencies, that would be fine. That would be good and that can be

accomplished. But never at any time did I say to any of these department heads going through any of these processes, to do anything other than to provide better services to the citizens of the City. I agree with Alderman Wihby on this score as well. If you don't do this, you're not going to do any of these things, and we have to begin looking at doing things differently in the City, and if we mirror what's going on in the State, the State as well. Governments all over the regions are doing things to do economize. We have an opportunity not only to economize, provide better services to the citizens of the City. Now let's talk about why these entities belong together. One of the reasons that Elderly Services should be brought under the umbrella of sort of a human services component, is the fact that we are opening a Senior Center. I don't think we're going to have the resources to open that center and provide the services to the citizens of this City unless we do this consolidation, this restructuring, as I prefer to call it. Because if we look at the issues of seniors, and I disagree with one of the Commissioners this evening, it's not just about socialization today. Elderly Services if you study the issue, which I have, across this country, it's not just about socialization. It's an extremely important component. It's about health, it's about nutrition, it's about healthy lifestyles, it's all related to what the functions are of health and human services today. By coming under the umbrella of the larger organization, we're going to be able to branch out and provide services at this elderly center beyond any of our ability today. Because we'll have a larger unit working with a smaller unit, three people on staff by the way, to open a full scale, full blown elderly services program. It's the right thing to do for the right reason. And I would say this to you very clearly, sunset it. Consolidate and sunset, and if we can come back to you within 18 months or two years or whatever and show you how we have provided better services to the seniors and the youth and the citizens of the City, then let it fade. I am so confident that if you do this, you will say why didn't we do this two or three years ago. We are not providing the multitude of services that needed to day for seniors and youth in this City. By bringing units together it makes a lot of sense. If we don't do it, I don't think we're going to be in a position. As Alderman O'Neil said very clearly, if you don't accomplish this, then in a very short period of time, we're going to be laying off people in the City of Manchester. Because there were some other serious consolidation issues. They brought up another one that is now costing you more money if you had adopted our recommendation. The recommendation by the way for the other consolidation, came from the department heads. The department heads in Building and Planning and Economic Development came to you and said we have a better idea of how we can function more efficiently, more effectively for the City of Manchester and met the fate of this one. Rejected. And we had substantial savings that we could have provided with that consolidation. And the other one that we've talked about as a very significant potential of savings and eliminating the need at some point to eliminate and lay off some people in the City. Youth services – I spent my entire career prior to coming to City Hall working with youth and if anyone around this State does not think there's a connection as Fred eloquently pointed out, with issues related to youth and health, you haven't been paying attention. Because if you look at the critical issues facing youth in this City, they're all health related. Whether it's in substance abuse, whether it's in dealing with issues of abuse and neglect, all

the issues that come under a comprehensive health program in the City. And if you look at seniors and if you go to the Primetime Center, which I think is a wonderful opportunity here in the City, you look at a cardiovascular center, you have seminars on nutrition and health and issues and healthy living. That's what this program would mean to the City. It's the right thing to do. It's not going to in any way deter Barbara's role and Barbara's responsibility, but it's going to free her from these mundane administrative tasks that she doesn't need going to try to open up a Senior Center and bringing the community involved in that effort and create a program that's going to truly address the needs of this community. Vote down this amendment. Put through this proposal and then sunset it, and we'll come back to you in 18 months or two years and we're going to show you how this provided better services to the community. Consolidation isn't about just reducing the cost. It can be about, as in this case, providing better services to the citizens of Manchester. I urge this Board to take a step forward, because if you don't step forward on this, ladies and gentlemen, how are we ever going to do the more serious of consolidations that will bring about true cost savings, allow government to function efficiently, effectively, while at the same time providing better services to the citizens of this City. Thank you Mr. Chairman.

Alderman Guinta stated I don't clearly understand why the step to consolidate these services is a requirement or mandate to consolidate other departments in the City that clearly have similar roles and responsibilities. We can debate that at another time. A number of people here talked about the need to do things differently in the City and I agree. I also agree that there are certain areas in the City, certain departments in the City, that should be restructured. I have questions about this current restructuring. Not to say I'm opposed to it, I just have some concerns. When people talk about making some changes in the City, and if we don't do this, that we're going to have lay offs, I'll tell you why you're going to have lay offs. You're not going to have lay offs if you don't restructure or consolidate these three departments. You have lay offs because of excess spending, and as I understand it there is little if any savings, financial savings, to these consolidations. So this consolidation is not a necessity in order to save jobs in other departments. Secondly, if there is ever a reduction in workforce in the City of Manchester, I'll tell you why it is. It's because this Board negotiates with the unions and in that negotiation process what we ultimately agree upon, is the fact that the last man in is the first man out. That's in every single contract in the City. That's why the low guy on the totem poll loses his or her job, and that's why the person in middle management that we have in excess keeps his or her job, because the union representatives are protecting every single individual that belong to a union. Now you may agree with that, you may disagree with that philosophy. But that's what's happening. You go talk to some of the larger department heads and you ask them when you cut, who are you going to cut? They don't have a choice in who they are going to cut. We give a dollar amount, they have to cut X number of people, they're the people who are hired, who have the shortest term of services. You don't find that in any other private industry in this country. But you do find it in unions. And if we do want to make some changes when it comes how to restructure government and modify government, one of things we should look

at is how we negotiate with the unions. The unions are a necessity in this City and they provide valuable services but sometimes to the detriment of their brethren, and that's something that we need to start looking at. Not necessarily at how Health, Youth and Elderly that's going to save maybe \$10,000 is going to be the pitfall of the City of Manchester if we don't aqueous to this decision. I'm not going to vote in favor of this tonight and I would urge everybody not to vote in favor of it and it's not because I don't agree with consolidation, I think that the people who put their time and energy into this proposal deserve credit, but I have gave concerns. Number one, the reduction in pay for certain staff members. Number two, if there are budget cuts we heard from Fred that it's possible that people other than in the Health Department would be the first ones to go and if we're trying to create better services in the City, does it make sense that we point the finger at youth or at elderly because their not as "important" when it comes to the health of the City. To me, if you're trying to make the argument that the health of the City is most important, then if anything, you're making the argument that these three entities should actually be separate. So while I do agree that consolidation or restructuring is certainly required and necessary in certain parts of the City, I don't know that this is the most appropriate place to begin and I would urge the Board not to support this.

Alderman Gatsas stated Mr. Rusczek maybe you can help me. The number of employees at Youth, do you know?

Mr. Rusczek answered there are seven employees.

Alderman Gatsas asked the number of employees at Seniors?

Mr. Rusczek answered there are three and a half to four and a half, I believe.

Alderman Gatsas stated and the synergies that we talked about, because obviously synergies are the important thing when you start talking about consolidation. Currently you are doing all of the payroll, human resource tasks, and everything else for Youth?

Mr. Rusczek answered correct.

Alderman Gatsas asked you're doing none of that Seniors?

Mr. Rusczek answered right.

Alderman Gatsas asked the reason why you're doing one and not the other?

Mr. Rusczek replied it was a matter of the Youth Services not having the capacity some time ago and for efficiency for the department we picked it up. Obviously that would be more

efficient if it were part of our department. It wouldn't be creating a separate budget and everything, but that's how we picked it up.

Alderman Gatsas asked right now you're saying that there is not saving if the Youth department went under you?

Mr. Rusczek replied there aren't any immediate savings. There are opportunities for savings as I pointed out, but when we get federal money in if we have a City funded position and the person could then be picked up by federal funds, then there's an opportunity to save City money. The other savings that would come would come in time Alderman. As you know again our directive was look at long-term savings and long-term opportunities rather than immediate laying off staff.

Alderman Gatsas stated we've sat here for the better part of an hour now talking about consolidation. The Mayor made a subcommittee up, I want to say maybe it was a year and a half ago, myself, Alderman Wihby and Alderman O'Neil to talk about consolidating functions with Department of Education, or schools. I think we first walked in there, Your Honor, there probably essentially maybe a million dollars worth of consolidated savings that the three of us looked at. That was a function that came up and for some reason it stopped. It didn't go forward, it didn't move anywhere. That was a huge number. Tonight we talked about, or I brought up, a parking garage maintenance contract. There was \$24,000 worth of savings there. We kind of looked at it just blinked and said we'll get to it when we get to it, and maybe it'll be next month or the month after, we'll just extend this contract. We've talked about a \$3.2 million project at the Senior Center, we talked about a \$5 million project at the Rines Center, and the best we could come up with is if we do it today we'll save \$10,000, because of the matter of using a different entryway, a matter of using a different holding area, that doesn't make sense to me. When we're talking about the children of this City and the at risk children, I talk to some of these seven people that do this job. I think every one of us should thank them from bottom of our hearts because if they save one child from a problem they're in, then that's something we should be grateful. Nobody's talked to either one of the other department heads. Have you met with the two department heads Fred?

Mr. Rusczek answered when we started out we met as a committee and put together the basic concepts and the initial plan back in the year 2000.

Alderman Gatsas asked and with that plan came forward what?

Mr. Rusczek answered that first plan came before the Aldermen and it's now being revisited again.

Alderman Gatsas stated but that was a different plan before a Senior Center was proposed.

Mr. Rusczek replied well the Senior Center was envisioned then. I think even back then we had the seniors as a separate unit.

Alderman Gatsas stated but we're looking at doing a consolidation when there's no synergies, because you're already doing all the work for Youth and I agree that consolidation is something that should happen. But rather than undertaking the difficult tasks as we had when it was consolidating some of the more essential human resource, vital arms, legal arms, and accounting arms, between the Aldermen and the School District the ball stopped and those were significant savings. Significant dollars to the taxpayers of the City and we just overlooked them. We didn't go any further. We had nobody, nobody pushing the boat as hard as they're pushing this boat and I ask the question why. When those dollars were far more significant than what we're talking today for the taxpayers of the City of Manchester. So I guess I'm looking around and saying why did we stop that? We have legal counsel that we pay here the City Solicitor and we don't need legal counsel at the School Department. We have a Human Resource Department here that can do the human resource that was done before, and I look at those savings and I say why? And I guess nobody can give me that answer, but we can certainly talk about consolidating eleven people, and not saving any money, and nothing to the taxpayers of this City, but when we're talking millions and we're talking about \$2,000 and \$3,000 a month on parking garages, we don't push those subjects. So I leave it at that and say why are we going to consolidate eleven when you're already doing the function of seven, so we really aren't saving anything. There's no consolidation. You're saying that the seniors should stay over at the Senior Center, there's really nothing that we're talking about doing. You're already doing payroll and human resource for Youth, so I guess I'm lost with what we're doing. Any answers?

Mr. Rusczek replied as far as Youth goes, you're right, we are doing the payroll and the functions, we can do it much more efficiently if it were one department and the savings would come...again, when we redirect a department head's time to programs and services, then that might not be a savings on paper but it is an improvement in efficiencies.

Alderman Lopez stated I just want to correct a couple of things for the record. It was mentioned that the lower tier people are always the ones that get hurt. I don't believe that totally because that's up to the department head. It's been proven in the Human Resources Department that we've been able to save \$150,000 to \$175,000 without laying workers off, but laying management off. When you don't need somebody and each department head has got to look at that individually. I think it's the direction of this Board, which I agree that somewhere down the line as far as the expenses go, I think there's other issues that we've got to tackle as we go along. But as far as the expenses go along with the employee, I think department heads have got to look at the different things that have been mentioned here. The payroll that you're doing for Youth Services, I don't know why you can't do the payroll for a small department like the Elderly. You transfer the responsibility; you do their payroll. I

don't see any problem. I think that the Finance Officer brought a few ideas on finances. The Park superintendent has laid off a supervisor. He didn't lay off the guy that's cutting the grass and doing the ice or stuff like that. Workers are workers; they'll do what you tell them to do. It doesn't make a difference...they don't need five supervisors to tell them what to do. So each department has got to look at that. You mentioned the Building Maintenance Department. It's debatable, and I don't really want to get into it, but it's debatable how much service that they have provided and what they have been able to do over the years in consolidation. I do know for a fact because I was a commissioner when we...I was an advocate in transferring the garbage to the Highway Department and in turn we gave them a truck and three people and their priorities there sometimes doesn't pick up the garbage in the parks. Those didn't saving anything and even today they now have to pay for the barrels which they didn't have to pay for a long time. So I believe that the Mayor as a CEO can call his departments in and direct them to do anything he wants. I think this Board can direct any department head to do anything. It's up to this Board to make the direction. During the budget process we directed they cut three percent. We didn't tell them how to do it, but they came up and they did it and I think that's all department heads need is direction and to go. I gave my reason before about the Youth Services, so I believe that they should be with the Health Department.

Alderman Shea stated lost in all of this is the fact that if Youth Services relocates to the Rines Center, we will not be paying any rent for what their present quarters are, and Welfare is going to be moving as well to the Rines Center. But as far as the Elderly Services, once the Senior Center is built, the place on Hanover Street will be closed and that will be a savings so. Anyway, we are talking...regardless of whether or not we consolidate, we are talking a distinct location of Youth Services up to the Rines Center. Is that correct Fred?

Mr. Rusczek answered yes.

Alderman Shea asked and when is that going to take place?

Mr. Rusczek replied I think the completion date for construction is scheduled for mid November.

Alderman Shea asked meaning they would move in when?

Mr. Rusczek replied by mid November at the latest, possibly earlier.

Chairman O'Neil stated Carol remind us of where we're at with the motion.

Deputy City Clerk Johnson stated the present motion on the floor is an amendment to the main motion to exclude Elderly from the consolidation.

Chairman O'Neil stated so the vote would be on the amendment and that was made by Alderman Forest and seconded by Alderman Lopez.

Alderman Garrity asked so if we vote yes, we're still going to consolidate Youth into Health? Is that the motion?

Deputy City Clerk Johnson replied if you vote yes then you've amended the main motion, which would then be consolidating Youth and Health and that would come back on the floor.

Alderman Wihby asked and if we vote no, we still have a chance of consolidating the three?

Deputy City Clerk Johnson answered all three, that's true.

Chairman O'Neil called for a vote on the amendment to the main motion. A roll call vote was requested. Aldermen Wihby, Gatsas, Guinta, Sysyn, O'Neil, Shea, DeVries, Garrity and Smith voted nay. Aldermen Osborne, Pinard, Lopez and Forest voted yea. Alderman Thibault was absent. The motion failed.

Deputy City Clerk Johnson stated the main motion on the floor now is to consolidate Health, Elderly and the Office of Youth Services.

Chairman O'Neil called for a vote on the main motion. A roll call vote was requested. Aldermen Gatsas, Guinta, Sysyn, Osborne, Lopez, Garrity, Smith and Forest were recorded in opposition. Aldermen Wihby, Pinard, Shea, O'Neil, DeVries and Smith were recorded in favor. Alderman Thibault was absent. The motion failed.

Communication from Deputy City Clerk Johnson submitting a return of warrant for non-renewal of dog licenses pursuant to RSA 466:16 on behalf of the Chief of Police.

On a motion of Alderman DeVries, duly seconded by Alderman Guinta, it was voted to accept the warrant for non-renewal of dog licenses.

Communication from Deputy Clerk Piecuch submitting two referendum questions to be ordered to the September 16, 2003 Non-Partisan Municipal Primary Election ballot on behalf of the Retirement Board of Trustees for the Contributory Retirement System.

Mayor Baines asked why is that going on the primary ballot not the regular ballot?

City Clerk Bernier answered they had the option to go on the primary ballot or the November ballot and they decided to take the September ballot.

Mayor Baines asked do the Board of Mayor and Aldermen have the authority to move it to the General Election ballot?

City Clerk Bernier answered I would say yes.

Alderman O'Neil asked, Your Honor, just a clarification. Who had the option?

City Clerk Bernier answered the way the legislation was drafted that the Retirement Director as well as the Advisory Board that proposed this change, they requested that it be put on the primary ballot.

Mayor Baines stated the only question I would raise to the Board is that I think we've had this debate during the Charter and other things, if you have a question that's going before the voters, it should be going to the election where the most people vote. So I would recommend that the Board send this to the November election.

Alderman O'Neil made a motion that the two referendum questions for the Contributory Retirement System be put on the November General Election Ballot. Alderman Osborne duly seconded the motion. There was not vote taken on the motion.

Alderman Gatsas asked is there any way that somebody can come in and give some sort of discussion in public if this is going to be a cost to the City and what it might cost? Because obviously in the last budget cycle, we've had some serious concerns with not knowing where the retirement system is and what those costs were going to be during the budget process.

City Clerk Bernier stated we could table it to come back for the August 5, 2003 meeting. I will invite Maurice and Harry to come in and speak.

On a motion of Alderman Gatsas, duly seconded by Alderman O'Neil, it was voted to table this item and bring it back to the August 5, 2003 Board of Mayor and Aldermen meeting.

Mayor Baines addressed Item 17 of the agenda:

Communication from Chief Kane requesting the Board's approval of a Decontamination Trailer Agreement with the NH Department of Safety.

On a motion of Alderman DeVries, duly seconded by Alderman Pinard, it was voted to approve the agreement and authorize execution of same subject to the review and approval of the City Solicitor.

Communication from the Chief Sanitary Engineer requesting authorization to enter into negotiations with the towns of Atkinson, Litchfield and Plaistow for receipt of septage from these towns at the Manchester WWTF for a period not to exceed three (3) years.

Alderman O'Neil moved to authorize such negotiations providing that any resulting proposal for agreement be presented to the City Solicitor and Board of Mayor and Aldermen for approval. Alderman Gatsas duly seconded the motion.

Alderman Gatsas asked do I understand it that if we get into an agreement that these funds would be able to come to the general fund?

Mr. Clougherty stated Alderman I haven't looked at the proposal, but my understanding is it would probably stay within the funds of the enterprise.

Alderman Gatsas asked is there a reason why we couldn't move those funds to the City?

Mr. Clougherty replied again Alderman I haven't done that research, but I'll be happy to do that and get back to you.

Mayor Baines stated it has to come back to the Board of Mayor and Aldermen anyway. Doesn't it?

Alderman Gatsas stated I would rather know that, Your Honor, before we send somebody out to negotiate a contract that what may be in that contract may be different from what this Board's expectations might be.

Mayor Baines asked Mr. Sheppard could you address this?

Assistant Director of Public Works Kevin Sheppard stated I'm not too sure if it's possible but...typically the revenues generated through the Environmental Protection Division are retained at the Environmental Protection Division for payment of bonds. Now they pay for their own projects and they'll be paying for the treatment of that, but I guess potentially...I guess it would be up to Kevin Clougherty...I'm not too sure whether that money could be taken away. But now I'm not too sure why the City would do that where that is an EDP revenue.

Mr. Clougherty stated and I agree Kevin, and that's the way it's been structured. But without going back and looking at documents I can't answer that tonight. I'm going to do some research on that and I'll be happy to respond at the next meeting.

Mayor Baines stated but generally we could say that that which is usually generated within the enterprises, stay within the enterprises.

Alderman Gatsas stated I understand that, Your Honor, but the problem is that some of the Board members that happen to represent that area. I don't have to tell you if you live in that

end of the City, it's not necessarily enterprise fund that gets the calls for whenever there may be the wind blowing in the wrong direction down there.

Mr. Sheppard replied sure it is. We've set up a hotline for odor complaints and we've spent quite a bit of money, I'm not too sure of the actual numbers at this point, for covering quite a few of the tanks down there and I believe the odor complaints have gone down considerably since we've done that. But we have a hotline for that.

Alderman Gatsas stated and again there are different enterprise funds in this City. One being Parks that doesn't basically sustain itself and sometimes we have to help them and maybe the sanitary committee over there has the ability to maybe offset some of that and I guess I'd have to take a look at why some of those funds, because I understand that your balance sheet looks pretty good over there.

Mr. Sheppard stated with the CSO projects it's been going down considerably.

Alderman Gatsas stated but I think maybe it's time we take a look at that balance sheet to see in these tough times if there's an offset that we can bring into this City.

Mr. Sheppard stated ultimately the taxpayers will pay for it on one side or the other.

Alderman Gatsas stated right, but if the taxpayers...if we're only looking for your department to breakeven, and not show a profit...

Mayor Baines interjected let me try to clarify here. This motion as I understand it, somebody correct me if I'm wrong, is only requesting authorization to enter into negotiations. The issue of the revenues can be discussed as a separate issue.

Mr. Clark stated Your Honor I'm not sure there's a need for this to actually pass tonight if you wanted the Finance Officer to determine whether the revenues would go first. This doesn't seem to be urgent and I believe it could come back in August.

Mr. Sheppard stated right. I believe we could come back in August by maybe what we could get tonight is the approval to start negotiations with the towns. I mean I don't think we'll have a contract for Tom Clark or to the Board of Mayor and Aldermen.

Mayor Baines stated I would recommend that we pass this and deal with the revenue issue separately. That would be my recommendation.

Alderman Forest stated I don't know how my memory serves me on this, but I thought I recall something several years ago our own septage being delivered up there where there

were some complaints. And I'm just wondering if we received complaints about our own, why would we negotiate with another town to bring it in here?

Mr. Sheppard replied in the past seven years...I believe it was probably five to seven years ago, we replace our septage receiving facility. So as far as I know we haven't received any complaints regarding that.

Alderman Forest asked can I get an answer to that at the next meeting then?

Mr. Sheppard asked what was the question?

Alderman Forest answered about the complaints.

Mr. Sheppard replied sure I can verify.

Alderman DeVries stated I just wanted to clarify because I did have a conversation with Tom Seigle at EPD today. And yes in fact it does today go back into the enterprise fund to offset the disposal fees for the entire City, the gray water or whatever. I have a septic so I don't have that portion on my water bill, but it does offset the water bills. I certainly would not be opposed to funds if it was possible coming back into the impacted area to be used for purposes for other, but I don't think it's something that should be available for any other use open to the entire City. So when we look at restrictions that we might put on that, I think we should look at a geographic restriction. The only urgency that I got a sense of from Tom Seigle was for the towns that are making the request. It's not our urgency. They have, if I understand, some timelines that they are trying to meet. I don't know if that should be our concern.

Mayor Baines called for a vote on the motion to authorize such negotiations providing that any resulting proposal for agreement be presented to the City Solicitor and Board of Mayor and Aldermen for approval. There being none opposed, the motion carried.

On a motion of Alderman Gatsas, duly seconded by Alderman O'Neil, it was voted that Finance Office Kevin Clougherty report back to the Board at the August meeting with regarding the utilization of EPD enterprise funds into the general fund.

Communication from City Solicitor Clark advising that a second payment under the terms of an MOU between the City and TRC Power, LLC has not been received and recommending such matter be referred to the Special Committee to Review Energy Contracts and Related Projects.

Alderman Lopez moved to accept the recommendation from the City Solicitor that non-payment from TRC Power, LLC of their second payment to the City be referred to the Special Committee to Review Energy Contracts and Related Projects. Alderman O'Neil duly seconded the motion.

Alderman Lopez asked who is on the Energy Committee?

Alderman O'Neil answered they haven't been named yet. I spoke with the Mayor before we both went on vacation. We need to name a committee regarding baseball as well, and I'm drawing a blank, Your Honor, there might be a third.

Mayor Baines stated yes, why don't we do that this week and get that committee formed.

Alderman O'Neil stated by the meeting the first of August the committees will all be named and allowed to move forward.

Mayor Baines called for a vote on the motion and there being none opposed, the motion carried.

Lease agreement between the City of Manchester and the Manchester Community Resource Center for a term of 18 months.
(Forwarded under separate cover to Mayor and Aldermen, and available for viewing at the office of the City Clerk.)

On a motion of Alderman O'Neil, duly seconded by Alderman Sysyn, it was voted approve the lease agreement and authorize execution of same subject to the review and approval of the City Solicitor.

Mayor Baines addressed Item 21 of the agenda:

Communication from the Manchester Housing and Redevelopment Authority submitting Project No. 2 under the Cooperation Agreement dated November 6, 2002 regarding disposition of French Hall and associated improvements.

Alderman Forest moved to approve Project No. 2 under the Cooperation Agreement between the Manchester Housing and Redevelopment Authority and the City with conditions submitted. Alderman O'Neil duly seconded the motion.

Alderman Shea stated we paid so much money for that particular project as we go back in time I believe we swapped properties with the UNH and so forth, and the City has a bonding, I believe Kevin you can help me out with this, but we have a bonding don't we in terms of paying off this particular project. Is that correct?

Mr. Clougherty answered I believe there was. My recollection is that there was.

Alderman Shea asked is there still money owed in that bonding that we have?

Mr. Clougherty answered yes I believe there is Alderman but I have to go back and check for the exact...

Alderman Shea asked so that if for instance we were to then approve this, do we get the money back that we put in as far as taxes are concerned? I mean we taxed the people to pay for this through a bonding and are we going to get anything back?

Mr. Clougherty answered part of the way it works is Alderman, is it was modeled after what we had done at the airpark. Similarly where there was...but it was modeled after the Manchester airpark, where the thought was that the proceeds would go into a trust fund so that those dollars could go back into the project so that as you further developed up the line you would have a pool of money to make sure that that was completed and then at the completion of the development those dollars would be available to go back to the City.

Alderman Shea stated so basically what you're doing is you are regurgitating the funds so that as time goes on hopefully there will be other people coming and making some type of, or having an interest in that particular area. Is that correct?

Mr. Clougherty answered and what you get back is the valuation on the buildings as you're going along and that's the property taxes the valuation that affects that.

Alderman Lopez stated I've just got a couple of questions here and bring some things to attention here. I'm for selling French Hall, but I'd like to know if Manchester housing, if charging an administrative fee for the project unit No. 2 \$60,000. How can you come up with a figure of \$60,000? Is this a full-time person that's handling this as another employee of Manchester Housing?

Mr. Ken Edwards, Assistant Executive Director with Manchester Housing and Redevelopment Authority replied we have used existing staff and prorated their salaries and estimated what we feel the time each would dedicate to bring this project to completion. We've already dedicated a pretty significant amount of staff time in the marketing, developing the RFP that resulted in the contract with CB Richard Ellis to market the property, and we... Traditionally the relationship between the Authority and the City with regard to these projects is for us to provide a budget to administer the programs on behalf of the City and then to report the actual costs that we track our time, we charge our time, the actual time spent for each individual on our staff who is working on this project and then we would report that actual cost to the City and make up whatever differences. If you note in the...

Alderman Lopez stated let me just interject. In November of...I think it was November 6th if I looked at the number here. When the agreement went into effect, here it is six months

later. So for six months of work in doing this particular project, you're going to charge us \$60,000?

Mr. Edwards answered no. What we're estimating is that that is the total cost of administrating the sale of French Hall, which will include from this point forward if you approve the sale, a purchase and sales agreement, a land disposition agreement, and then a supervision of construction to assure that they complete all of the improvements that they have proposed to complete, and issuing a certificate of completion at the end of the project, and the associated sundries, copying and clerical support and that kind of thing.

Alderman Lopez stated I've just got a couple of things here. Like on this road construction in the Hackett Hill master plan that we paid X number of dollars for, it indicated the same thing you're going to do for \$220,000 it was estimated at almost \$600,000 in the master plan. Did you look at the master plan?

Mr. Edwards replied yes.

Alderman Lopez asked why the difference?

Mr. Edwards answered the scope of the services...if the City adopts the master plan...

Alderman Lopez interjected we adopted the master plan.

Mr. Edwards stated no you haven't.

Alderman Lopez asked Mr. MacKenzie?

Mr. MacKenzie stated no the Board has not yet adopted the master plan.

Alderman Lopez asked why do we have it then?

Mr. MacKenzie replied there was a presentation to the Board, there was no activity on the land purchases, there's been some items that will probably be revised, and I believe the Economic Development office will be bringing that back into the Board revised for adoption in the next three months.

Alderman Lopez stated I think when we received it and we go the report on the master plan, we accepted the report. That's not accepting it? I mean why would we pay all of this money and have a presentation on the master plan of Hackett Hill and we accepted it...so I guess where I'm going with this is, and I've talked to Mr. MacKenzie about this, we're talking we've got about \$7 million invested in this area, we're talking in the master plan of \$25 million more dollars for Hackett Hill and here we have the first phase coming in at \$220,000,

being charged \$60,000, and I just think it has to go back to staff and give us a better understanding of Hackett Hill as to where it's going. Like I said in the beginning, I'm in favor of selling French Hall. We can do that, but I have a couple of questions like I know that there's a million dollars hanging around in another fund in reference to Hackett Hill or economic development. MHA can't touch that; I want to make sure of that. And secondly, the trust fund, and I've spoken to Tom Clark, the trust fund the way I understand it we can do anything we want with the trust fund if we vote to take money out of there to do economic development. Would that be clarified tonight so the rest of the members of the Board understand that if we have X number of dollars in the trust fund, and we decide to take money out of there for economic development, and it does not pertain to Hackett Hill, that we can do that.

Mr. Clark stated there's a contract between the City and the Housing Authority that states that the proceeds from the sale of the property up at Hackett Hill will be placed in a trust fund held by the City of Manchester, which is held through the Finance Office, and that the City may use those monies as it deems fit for economic development.

Alderman Lopez stated okay I want that cleared. Mr. MacKenzie the million dollars we've got hanging around for economic development. Where is that money?

Mr. MacKenzie answered there's actually two accounts. One larger one that is nearly a million dollars, it was certain proceeds from the sale of lands for conservation and that has been placed in a CIP account. The other is an account, and I don't know the total amount, but that was revenues from the satellite dishes and other antennas on Hackett Hill, is going into a specific trust account.

Mayor Baines stated could I just add. I think the plan always was, even though there's flexibility, that the money that was generated on Hackett Hill would go into the infrastructure on Hackett Hill, and a reminder to all of the Aldermen that that's out last best hope in terms of bringing in new development as opposed to redevelopment in the City and I would urge the Board not to touch those funds and leave them for their intended purpose, even though you could by vote. You could do a lot of things by vote, but I don't think that would be a wise thing to do.

Alderman Lopez stated the other point I wanted to bring out, Your Honor, is that if economic development comes up that we know where that money is...we can touch it...I have no intentions of touching it right now.

Mayor Baines stated I hope ever.

Alderman Lopez stated we were told also the interchange and that's why it needs to be updated by staff to make sure that we're getting the best for our dollar if we're going to go

forward with Hackett Hill. Now, since you've told me that this is not the plan then, then I assume the plan is out the window for Hackett Hill if we haven't accepted it. So either we have accepted the report as a plan or we have not. That's what I'm confused on. Can you help me out?

Mayor Baines stated well I can answer the question. The Board has not formally adopted the plan. It was presented for input and review, they are continuing to review it, and it will be coming forward for final adoption. Am I correct on that?

Alderman Lopez asked but we continue to move forward with the phases of the plan?

Mayor Baines replied well the concept is there, right.

Alderman Lopez stated we need to have staff to really update this and bring it back to the Board and see whether or not we want to spend \$25 million up there also.

Mayor Baines stated yes.

Alderman DeVries stated Kevin Clougherty I have a question for you. Since we bonded \$1.887 back in 1999, at least that's what my notes are saying. The likelihood that we've paid that down to anything close to the \$1.2 that they're looking for us to accept for a purchase price is what? What would you estimate in the four years or it depends on when you sent those bonds out?

Mr. Clougherty answered I think it was a larger bond issue than that, and I'd have to go back and research that Alderman. But I don't think the \$1.2 million is the right number.

Alderman DeVries stated right, so you're thinking that it is probably terribly high...

Mr. Clougherty interjected I think there's still bonds outstanding that may be higher than what you get for proceeds but again understanding that when the agreements were drafted up to continue the concept of using those dollars to perpetuate the redevelopment at the site that was...

Alderman DeVries interjected I understand that, I'm just trying to determine if there are going to be any proceeds left from this when we get done. Because we're talking a \$1.2 million purchase price after they get done with the road construction, they're guessing that they're going to have \$825,000 left. Now if we bonded at 1.9 that's \$700,000 that we have to potentially make up. So it's leaving about \$100,000 left if we have to pay off...that's why I'm trying to find out. What can I expect that that may have been paid down with four years worth of payments? Can you give us a generalization?

Mr. Clougherty answered I'd prefer not to Alderman because what I'd like to do is as I said earlier, is go back, pull out the files, take a look at exactly what's happening there. You know I've just looked at this on this part of the agenda yesterday and come back to you with some accurate information rather than trying to guess tonight.

Alderman DeVries stated I guess my further comment then is going to be...I mean if we're not selling our first property to set up the infrastructure for future properties, I'm not sure that this is something we should be jumping at today. So that's an essential piece of information to prove to us if this asking price is appropriate. Today's assessed value is sitting at \$1.4 million, so you're asking us to sell this for less than an assessed value on today's market. I'm not sure that's appropriate. I think I have a reply coming to me.

Mr. Clougherty replied the proceeds will go into a trust fund to be used for economic development. To be used at that project. Not to pay down the bonds.

Alderman Forest stated I'll ask Kevin a question in a minute, but the assessed valuation of the French Hall property was at \$1.3 million. Correct? Okay so I knew it was around there, and the offer was for how much? \$1.2 [million]?

Mr. Edwards replied on an asking price of \$1.3 [million].

Alderman Forest replied correct, and what are we talking about improvements to French Hall and the property?

Mr. Edwards answered we're talking about a development which will...the existing French Hall is approximately 31,000 square feet. The proposal by the Workout Club is going to add a minimum of 49,000 square feet to that existing 31,000 square feet and if we give them the go ahead and enter into a purchase and sales, they are going to try and go to the bank with an addition of 79,000 square feet. Ultimately that's where...they want to be at 100,000 square feet on that site and hopefully can do it all in one phase. But what they've committed to is doing the 49,000, rehab of the existing building, and an addition of 49,000 square feet with the hope that they can afford to do the entire 79,000 square foot addition, which would make the whole project about 100,000 square feet.

Alderman Forest asked if this was for the Hackett Hill project, or was it just for French Hall?

Mr. Clougherty answered French Hall my recollection was a separate phase. But I'd have to go back again and check that Alderman. I haven't done that recently.

On a motion of Alderman O'Neil, duly seconded by Alderman Forest, it was voted to move the question.

Mayor Baines called for a vote on the motion to approve Project No. 2 under the Cooperation Agreement between the Manchester Housing and Redevelopment Authority and the City with conditions submitted. The motion carried with Alderman Wihby and Alderman Gatsas duly recorded in opposition.

Alderman Lopez asked can we have staff at a reasonable period of time come back with the report on Hackett Hill of the \$25 million that we're going to be supposedly investing and where we're going with Hackett Hill.

Mayor Baines replied okay and that will need to be done.

Communication from the Manchester Boys and Girls Club requesting a waiver of the business license fee for the annual Dobles Chevrolet Class Car Show, which was held on June 22, 2003.
(Note: Fees cannot be waived under law.)

On a motion of Alderman Garrity, duly seconded by Alderman Guinta, it was voted to donate \$300.00 from civic contributions to the Manchester Boys and Girls Club to reimburse for the cost of the business license fee.

Mayor Baines addressed Item 23 of the agenda:

Communication from Leona Dykstra, Charter Commission Chairman, requesting that the Board place the question of adopting the proposed charter revision on the November 2003 General Municipal Election Ballot.
(Note: Final report of Charter Commission previously forwarded to Board of Mayor and Aldermen under separate cover and available for viewing in the Office of the City Clerk and on the website ci.manchester.nh.us).

Alderman Wihby moved that the City Clerk place the question:

“Shall the municipality approve the charter revision recommended by the charter commission?”

on the November 2003 General Municipal Election Ballot consistent with RSA49-B:4.
Alderman Garrity duly seconded the motion.

Alderman Forest stated this is for Tom. If we vote no on this, will this still be put on the ballot?

Mr. Clark stated the law says that you have to place it on the ballot. If you voted no you'd be violating...

Alderman Forest asked if we voted no it would automatically go to the ballot?

Mr. Clark replied if you vote no, you'd be violating the law.

Alderman O'Neil stated, Your Honor, can I ask a question? What does that mean?

Mr. Clark answered that means someone could go to court to force you to place it on the ballot and we would end up paying expenses.

Alderman Lopez asked can you vote no and let the law prevail?

Mr. Clark answered the law says that you shall place it on the ballot.

Alderman Lopez stated that's not my question? Can you vote no and let the law prevail?

Mr. Clark answered no. The law says you shall place it on the ballot. For you to do it you have to vote.

Mayor Baines stated the Chair would recommend that we obey the law.

Mayor Baines called for a vote on the motion. The motion carried and let it be duly recorded that Alderman O'Neil abstained.

Alderman O'Neil stated I don't agree with it.

Mayor Baines stated I don't agree with it either, but that will be for another time to discuss that.

Communication from Myslik, Inc. advising that they are protesting the bid for the "Articulating Airport Multi-Task Snow Removal Unit".

On a motion of Alderman Garrity, duly seconded by Alderman Shea, it was voted to receive and file the communication.

Communication from Bob Roy of ABC News requesting permission to broadcast outside of City Hall for the 2004 First in the Nation Presidential Primary and to light the exterior of City Hall for the periods they would be broadcasting.

Alderman Lopez stated with the understanding that we negotiate a fee. They are going to come here and they're going to take 15 parking spaces and not pay anything. I want them to negotiate. They're indicating they're willing to pay.

City Clerk Bernier stated they have been contacting our office and they are going to be paying for the parking spaces. They are not paying for the lights of City Hall though.

On a motion of Alderman Lopez, duly seconded by Alderman O'Neil, it was voted to grant permission for ABC News to broadcast outside of City Hall for the 2004 First in the Nation Presidential Primary and to light the exterior of City Hall with the understanding that we negotiate a fee.

Warrant to be committed to the Tax Collector for collection under the Hand and Seal of the Board of Mayor and Aldermen for the collection of sewer charges. (Note: Amount to be presented by Clerk at meeting.)

Deputy City Clerk Johnson stated, Your Honor, the warrant amount is \$81,600.57.

On a motion of Alderman O'Neil, duly seconded by Alderman Lopez, it was voted to commit the Warrant under the Hand and Seal of the Board of Mayor and Aldermen in the amount of \$81,600.57 to the Tax Collector.

On a motion of Alderman Osborne, duly seconded by Alderman DeVries, it was unanimously voted to dispense with reading of the Resolutions by titles only.

Deputy City Clerk Johnson stated, Your Honor, just to note we were adding that additional resolution regarding the \$12,500 for Bethel Court.

Resolutions:

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Six Million Dollars (\$6,000,000) for FY2003 CIP 612803 Section 108 Economic Development Initiatives.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Thirty Seven Thousand Eight Hundred Twenty Six Dollars (\$37,826.00) for 2003 211103 STD Clinic.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Seventeen Thousand Five Hundred Dollars (\$17,500.00) for 2003 CIP 210603 Immunization Services.”

“Amending the 2002 Community Improvement Program, authorizing and appropriating funds in the amount of Four Hundred Seventy Eight Thousand Four Hundred Fourteen Dollars (\$478,414) for 2002 CIP 210902 Substance Abuse Prevention and Treatment.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Four Thousand Dollars (\$24,000) for the 2003 CIP 216003 Oral Health Services.”

“Amending the 2003 Community Improvement Program, authorizing and appropriating funds in the amount of Fifty Six Thousand Six Hundred Sixty Four Dollars (\$56,664) for 2003 CIP 411503 Domestic Preparedness Equipment Funds.”

“Amending the FY1999, FY2002 and FY2003 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Six Hundred Thousand Dollars (\$600,000) for FY2003 CIP 612703 Piscataquog River Apartments Project.”

“Authorizing the Finance Officer to effect a transfer of Seventy Eight Thousand Three Hundred Ninety Seven Dollars and Twenty Seven Cents (\$78,397.27) for the 1998 CIP 760326, Test Seal & Repair Green Acres Sewers Project.”

“Amending the FY1994 and 1998 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Eight Thousand Three Hundred Ninety Seven Dollars and Twenty Seven Cents (\$78,397.27) for FY2003 CIP 760326 Test, Seal and Repair Green Acre Sewers Project.

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Three Thousand Four Hundred Eighty Three Dollars (\$73,483) for FY2004 CIP 713004 Crystal Lake Water Quality Improvement Project.”

“Amending the FY2004 Community Improvement Programs, transferring, authorizing and appropriating funds in the amount of Three Hundred Sixty One Thousand Eighty Three Dollars (\$361,083) for FY2004 CIP 214604 State of New Hampshire Health Grants.”

“Amending the 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Twelve Thousand Two Hundred Fifty Four Dollars (\$12,254) for the 2004 CIP 411504 Fire Emergency Management Plan Project.

“Rescinding authorization on unissued Bonds, Notes or Lease Purchases for various Parks, Recreation & Cemetery projects which are no longer required.”

“A Resolution amending the FY2003 Community Improvement Program and deleting various Parks, Recreation & Cemetery Projects which are no longer required.”

“Amending the FY2004 Community Improvement Program, authorizing and appropriating funds in the amount of Two Hundred Forty Nine Thousand Ninety Six Dollars and One Cent (\$249,096.01) for FY2004 CIP 411604 Homeland Securities Program.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of One Hundred Five Million Dollars (\$105,000,000) for FY2003 CIP 310303 Schools Improvement Program.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Twenty Seven Million Five Hundred Thousand Dollars (\$27,500,000) for FY2003 CIP 511803 Stadium Construction & Gill Stadium Reconstruction Project.”

“Amending the FY 2004 Community Improvement Program, authorizing and appropriating funds in the amount of Six Thousand Five Hundred Twenty Seven Dollars (\$6,527) for FY2004 CIP 411704 Domestic Preparedness Equipment Support Program.”

“Amending the FY2003 Community Improvement Program, authorizing and appropriating funds in the amount of Seventy Nine thousand Two Hundred Seventy Five Dollars (\$79,275) for FY2003 CIP 713703 City Motorized Equipment Replacement Project.”

“Amending the 2003 Community Improvement Program, authorizing, appropriating and transferring funds in the amount of Twelve Thousand Five Hundred Dollars (\$12,500) for the 2003 CIP 612603, Bethel Court Hazardous Materials Remediation.”

On a motion of Alderman O'Neil, duly seconded by Alderman Forest, it was voted that the Resolutions pass and be enrolled. It is duly recorded that Alderman Garrity opposed Resolution of CIP Account 511803, Stadium Construction & Gill Stadium Reconstruction Project.

Deputy City Clerk Johnson stated, Your Honor, the Clerk just first of all would want to clarify the correction that Alderman Smith was trying to make earlier. He had actually voted yes on the main motion for consolidation, which he obviously had been opposed to based on his discussion. It was the main motion he wanted to be recorded in opposition to, so that left the vote at five yeas and eight nays.

NEW BUSINESS

Alderman O'Neil stated two things, Your Honor. One is I was contacted by one of my colleagues regarding a committee meeting. You and I spoke about this earlier but I think I just want to bring it up to everyone. We've asked departments to make sure they have representation at not only the full Board but at committee meetings, and apparently that was disregarded recently. We need, again, to remind departments they need to have people at meetings, those people need to know what the items are that affect the respective departments, and I know, Your Honor, you're going to meet with the department heads to bring it up again. But this is at least the third time we've had to bring this up, and I look out here tonight, if something came up under New Business, we have a handful of departments here to address it, and they can't get out of here quick enough some of them. To me it's a very serious issue and several Aldermen pointed out to me they rush to get to meetings from work and they can't take any action because they can't information from the departments. So I think we've got to step this up a notch that we're serious about this.

Alderman Wihby stated I think Alderman O'Neil is correct except I guess if you're going to bring up...I don't understand what the policy is, so I could see why some of them aren't here. My understanding was that if there was going to be for the meeting there was going to be everybody here, but at committee meetings is there is nothing on the agenda for them, are we still asking them to be there, or not? And if we're going to bring something under New Business, maybe we ought to be letting them know we're going to be bringing it under New Business and telling them we want them to be there that day. We've got to make a policy. I don't know what it is.

Alderman O'Neil stated but there was a specific discussion that a department needed to be represented. It was my understanding the department head couldn't be there, that's fine,

there are other people in their department that can represent. But no one else showed up. It was an item directly that that department was related to.

Alderman Wihby asked what is the policy?

Mayor Baines stated the policy and has been passed by the Board, if there's an item related to your department on a committee or a full board agenda, you're expected to be there or have your deputy at the meeting. The question I would ask, do you really want every department head to linger until we get into New Business?

Alderman O'Neil replied I don't know what the right answer is, Your Honor, but I see a mass exodus here some nights as soon as...we had all kinds of department heads here earlier and if questions come up, nobody can answer.

Mayor Baines stated well if the Board would like all department heads to stay here through the entire agenda, I personally would not support that. I would ask...

Alderman O'Neil interjected, Your Honor, obviously some of these departments get it, they're sitting here and they don't have any agenda items. They're sitting here in case something comes up and it happens here.

Mayor Baines stated if you'd like to make a motion that you want the department heads to be in attendance through the entire agenda...

Alderman O'Neil stated I am getting personally fed up with being at meetings; departments aren't represented and they're not knowledgeable on topics that affect them. They come in and say we don't know what's going on.

Alderman O'Neil moved that all department heads attend the Board of Mayor and Aldermen meetings through the entire agenda. Alderman Garrity duly seconded the motion.

Alderman Garrity stated I was the particular Alderman that contacted the Chairman. Lands & Buildings Committee last week; I mean the meeting was at 5:15 PM, I get out of work at 5:00 PM, I rush down here, we're talking about Wellington Road, the sale of the property up there, Parks & Rec had interest in it. Nobody was here from Parks & Rec, just about everything on the agenda had to get tabled, nothing got accomplished that night, and I wasted a night coming down to City Hall because no department heads were here that should have been here. It was about their departments and it's frustrating to come down to a meeting and accomplish nothing.

Mayor Baines stated again, if that's a specific issue I think speaking for the vast majority of the department heads that they are very good about that and very diligent about that and I don't think we should sweep all of them in the same bracket.

Alderman Garrity stated no I'm not doing that, but it has happened frequently, and it shouldn't.

Alderman Wihby stated, Your Honor, I'm not arguing that point, if there is something on the agenda, they're supposed to be here, we have every right to get mad at them and call them in and talk to them. But I guess my concern is having them sit here knowing there's nothing on the agenda, afraid that we're going yell at them if something comes up. If an Alderman wants to bring something under New Business, we ought let them know we're going to bring it under New Business and have them be here. If we're going to bring it under New Business and we haven't told them, then we shouldn't expect them to be here. We shouldn't be bringing it under New Business and we should wait until the next meeting. But, again, if there is an item on the agenda, they should be here through the whole thing.

Mayor Baines stated and I would concur. A better way for this in my perspective is if an individual Alderman has an issue they are going to bring up under New Business they notify the Clerk, the Clerk notifies the department head that an issue is going to come up under New Business. That's the way I would recommend it.

Alderman Osborne stated, Your Honor, I guess we could change the rules and put New Business at the top of the list rather than at the bottom of the list. I think that would cure that.

Mayor Baines asked would that mean that Item 29 would be at the beginning?

Alderman O'Neil asked so where do we go from here? The Solicitor?

Alderman O'Neil stated, Your Honor, I certainly respect departments not having to sit here, but it happens regularly where something comes up and people aren't here to address it. Now, for some reason I counted I believe we have twelve departments represented here still. That's approximately half, not quite half of our City departments are still here. Obviously twelve department heads get it, they're not all the department heads, some are deputies, but I think it's an issue, I think we put in long hours, we have a lot of business ahead of us and they have got to be here to answer questions.

Alderman Shea stated I'm just going to say the longer they stay here the less proficient they are going to be in the morning. I don't want to speak for them but I know personally that if somebody stays here until the wee hours of the morning and then gets up the next day, we're not going to get maybe a full load out of them the next morning.

Alderman O'Neil asked, Your Honor, can I just respond to that. I'll concede the New Business issue, but when there are agenda items, they better be here. Plain and simple. I don't care if it's until midnight, they better be here.

Mayor Baines stated I agree. If you'll withdraw your motion.

Alderman O'Neil stated we've got to define a policy here. My motion would be that if there is an agenda item at either the full board level or at the committee level, there must be department representation and they must...I've been to meetings where there is department representation and they don't know anything about the topic. There needs to be some knowledge. They need to look at agendas, sit down as a department and figure out that someone will be here. These departments all do it. That's my motion.

Mayor Baines stated that is already the existing policy. We're meeting with department heads this week.

Alderman O'Neil stated it isn't working.

Mayor Baines stated it's going to work from now on. The motion has been withdrawn.

Alderman Smith stated I agree with Mr. O'Neil, but I really think that what's our recourse if a department head doesn't have any representation? Like if it's Parks & Recreation...?

Mayor Baines stated it really is the Mayor's responsibility to deal with the department heads and I will be meeting with them, we will address it and hopefully there will not be a reoccurrence of the issues that have been brought forward this evening.

Alderman Lopez stated I talked to Tom Clark because I had few calls and, with all due respect to Steve Tellier and I hope he's feeling better, but the responsibility of appointing an acting chairman lies with this Board and maybe Tom could enlighten us as to what we should do because I think some discussion should take place and maybe sanction his recommendation.

Mr. Clark stated Alderman Lopez came to see me today. Some questions I guess have been raised as to the acting Chairmanship. The Chairman of the Board of Assessors is the department head of the Board of Assessors named by this Board. If Steve wants Assessor Nichols to be the acting chairman, I think this Board should confirm it.

Mayor Baines stated they can. We haven't had that request from...

Alderman Lopez stated the problem we have is that we have deputies in all other departments and they take over when the department head isn't there. The Assessor's don't have any such...

Mr. Clark stated there are not deputies in the Board of Assessors. There's a department head and there's a Board of Assessors. They need a Chairman to run their meetings when they do the abatements to keep order, take the votes. My suggestion is that this Board...Steve Tellier did send a letter out there by naming Mr. Nichols as the Acting Chairman. I think this Board ought to confirm that.

Mayor Baines stated okay, why don't we do that.

On a motion of Alderman Lopez, duly seconded by Alderman Forest, it was voted to confirm the naming of Tom Nichols as Acting Chairman of the Board of Assessors during Steve Tellier's absence.

Alderman Lopez stated a couple of fast things. The special committee that's going to be doing the Gill Stadium and Riverfront, I have had a lot of people ask me and also I know that Alderman Smith because we're very involved in a legion over there as a Parks & Recreation Commissioner, about the signs over there. I think the very first thing either as a full board as the special committee has to take up about these signs, and look at some alternatives and bring back to the full Board so we're all in sequence as to what's going to happen there. There's been some great suggestions. I'll give you one; that Alderman Wihby make a photograph and I said well put it on a plaque and donate it and put all of the names at the entrance of the Gill Stadium. But I think that's for the Committee to work out and I think that can be solved by committee. And the last thing I wanted to find out, I thought, and I just wanted to be corrected, on the recycling program, I thought we were going to or have the individual report to a committee and update as far as the publicity and what's happening.

Mayor Baines replied yes, Alderman O'Neil and I have talked but we'll also be naming a recycling committee just to deal with the issue of recycling and we'll have all of those names by the next meeting.

Alderman O'Neil stated Alderman Lopez if you'll recall before, I had drawn a blank on the third committee, that was the third committee.

Alderman Gatsas stated I'm going down the street that Alderman Lopez took me down. We're talking about people in this City that made contributions many years ago for either a brother, a father or an uncle, for those trees. Now whether the developer doesn't want those in front, I think it should be absolutely essential that that committee looks and puts them back once the major league team or the minor league team leaves. Because I would hate to think that people are making contributions to different issues and all of a sudden there's a

change and somebody decides to change something. We're seeing it now with Singer Family Park and I understand we're looking to move it and put it into a different spot, but the names on those trees mean something to people. You know a grandson that sees his grandfather's name, it may be important to him, and I don't think that we should be eliminating things that people came forward to do many years ago. So maybe they don't want them there now with the new park, but I would think that somebody would reinstitute them once they left, because to a family that could be a very important issue and I don't think we should be eliminating it because you're going to be finding people not wanting to make contributions in this City in fear that things would change and other things will happen in their place. So I don't think whether it's a \$300 as a contribution as being minor, but to some kid walking by and seeing his grandfather's name, that could be a very important issue.

Alderman O'Neil stated I don't necessarily disagree with Alderman Gatsas. Number one I am not aware of anyone that said they were going to eliminate them. There may be ways to better address it. Some of the ones I viewed are tilted, they need to be painted, so I don't think we're holding them up to the highest respect that they should be. So if there are suggestions that bring them up to a higher level I'm very interested in that. Your Honor can I ask Ron Ludwig a question? Ron, just one final thing. I know we got handed out tonight that the Committee on Traffic is meeting on Thursday. My understanding on this issue regarding having the concerts or whatever it is, beer bashes at the park, that it stands with the Committee on Traffic, it does not have to go to the full Board? At what point will some of us that aren't on the Committee see the recommendation from staff?

Deputy City Clerk Johnson stated the request is actually to utilize the park, as I understand it, and that jurisdiction is under the Committee and normally that would not come to the Board at all.

Alderman O'Neil stated but it says according to this "presentation of a report from staff". When can the rest of the Board see it? I have big, major concerns about this to be honest with you. And unfortunately I won't be here Thursday to be able to sit with the Committee to make my point, but I'd like to at least see what the recommendation is.

Alderman Guinta stated I don't know that a formal recommendation exists Alderman, but I feel fairly comfortable in speaking for the Committee that I don't know that this is going to receive approve from the Committee as it currently stands.

There being no further business to come before the Board, on a motion of Alderman Smith, duly seconded by Alderman Garrity, it was voted to adjourn.

A True Record. Attest.

City Clerk